

Cuk. Hc2393-371 - p015/64

The American Political Science Review

BOARD OF EDITORS

Thomas S. Barclay,
Stanford University

Robert E. Cushman,
Cornell University

David Fellman,
University of Wisconsin

Robert K. Gooch,
University of Virginia

Charles B. Hagan,
University of Illinois

Robert J. Harris,
Louisiana State University

Fritz Morstein Marx,
U. S. Bureau of the Budget

Louise Overacker,
Wellesley College

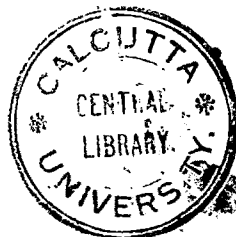
C. Herman Pritchett,
University of Chicago

Harold S. Quigley,
University of Minnesota

FREDERIC A. Ogg, Managing Editor, University of Wisconsin

VOLUME XLII

1948



GEORGE BANTA PUBLISHING COMPANY
MENASHA, WISCONSIN
1948

015164

Copyright, 1948, by
THE AMERICAN POLITICAL SCIENCE ASSOCIATION

CONTENTS

NUMBER 1—FEBRUARY, 1948

Conflict, Consensus, Confirmed Trends, and Open Choices. <i>Arthur W. Macmahon</i>	1
The Theory of the State as a Sovereign Juristic Person. <i>Kenneth C. Cole</i>	16
Ten Years of the Supreme Court: 1937-1947, Part II. <i>Robert E. Cushman (ed.)</i>	
IV. Due Process of Law. <i>Robert J. Harris</i>	32
V. Civil Liberties. <i>Robert E. Cushman</i>	42
VI. The Roosevelt Court: Votes and Values. <i>C. Herman Pritchett</i>	53
Instruction and Research	
A Laboratory Method for Teaching Public Administration. <i>Robert H. Connery</i>	68
Citizenship Education and the Colleges. <i>Robert A. Walker</i>	74
News and Notes, Personal and Miscellaneous. <i>Managing Editor</i>	85
Forty-third Annual Meeting of the American Political Science Association. <i>Harvey Walker</i>	91
Book Reviews and Notices	116
Recent Publications of Political Interest	
Books and Periodicals. <i>M. Q. and M. H. Sibley</i>	173
Government Publications. <i>Miles O. Price</i>	188

NUMBER 2—APRIL, 1948

Neglected Aspects of Political Science. <i>Charles A. Beard</i>	211
Geographic and Other Scientific Techniques for Political Science. <i>S. Whittemore Boggs</i>	223
American Government and Politics	
The Federal Regulation of Lobbying Act. <i>Belle Zeller</i>	239
Formulating the Federal Government's Economic Program: A Symposium. <i>Fritz Morstein Marx (ed.)</i>	
I. The Influence of the Political Order. <i>Paul H. Appleby</i>	272
II. The Rôle of the Council of Economic Advisers. <i>Edwin G. Nourse and Bertram M. Gross</i>	283
III. The Experience of Other Countries. <i>Harold W. Davey</i>	295
IV. Congressional Responsibilities. <i>Clarence Cannon</i>	307
V. Consolidating Party Control. <i>Merle Fainsod</i>	316
VI. Popular Support of Economic Programs. <i>Norton E. Long</i>	326
News and Notes, Personal and Miscellaneous. <i>Managing Editor</i>	337
Book Reviews and Notices	344
Recent Publications of Political Interest	
Books and Periodicals. <i>M. Q. and M. H. Sibley</i>	391
Government Publications. <i>Miles O. Price</i>	407

NUMBER 3—JUNE, 1948

The Early Days of the Rural Electrification Idea: 1914-1936. <i>Morris L. Cooke</i>	431
New Constitutions in Germany. <i>Robert G. Neumann</i>	448
Constitutional Law in 1946-1947. <i>Robert E. Cushman</i>	469

American Government and Politics	
The Federal Loyalty Program: Background and Problems. <i>Roger S. Abbott</i>	486
The White Primary: 1944-1948. <i>O. Douglas Weeks</i>	500
The Rise of Negro Voting in Texas. <i>Donald S. Strong</i>	510
State Law on the Nomination, Election, and Instruction of Presidential Electors. <i>Ruth C. Silva</i>	523
The Tenure of Cabinet Officers. <i>Everett S. Brown</i>	529
International Affairs	
The Postwar World Map: New States and Boundary Changes. <i>Russell H. Fifield</i>	533
Instruction and Research	
Political Science I and Political Indoctrination. <i>Clinton L. Rossiter</i>	542
News and Notes, Personal and Miscellaneous. <i>Managing Editor</i>	550
Book Reviews and Notices	562
Recent Publications of Political Interest	
Books and Periodicals. <i>M. Q. and M. H. Sibley</i>	612
Government Publications. <i>Miles O. Price</i>	634
Notes on Some Recent Documentary Materials. <i>James B. Childs</i>	641
NUMBER 4—AUGUST, 1948	
The Constitution of the Italian Republic. <i>Mario Einaudi</i>	661
American Government and Politics	
The First Session of the Eightieth Congress. <i>Floyd M. Riddick</i>	677
State Constitutional Law in 1947-48. <i>Foster H. Sherwood</i>	694
Foreign Government and Politics	
Some Comparative Experience in Adjusting Local Units and Areas. <i>Edward W. Weidner</i>	730
News and Notes, Personal and Miscellaneous, <i>Managing Editor</i>	746
Doctoral Dissertations in Political Science. <i>David Fellman</i>	759
Book Reviews and Notices	781
Recent Publications of Political Interest	
Books and Periodicals. <i>Charles B. Hagan</i> and <i>J. Austin Ranney</i>	834
Government Publications. <i>Miles O. Price</i>	856
NUMBER 5—OCTOBER, 1948	
Reflections on Agricultural Policy Formation in the United States. <i>Charles M. Hardin</i>	881
Absolutism and Relativism in Philosophy and Politics. <i>Hans Kelsen</i>	906
Public Administration	
The Application of Scientific Management Principles to International Administration. <i>Donald C. Stone</i>	915
Post-War Politics in Japan: A Symposium, I. <i>Harold S. Quigley</i> (ed.)	
I. The Japanese Diet Under the New Constitution. <i>Justin Williams</i>	928
II. Pre-War Political Influences in Post-War Conservative Parties. <i>Kenneth E. Colton</i>	940
III. Japan's Post-War Socialist Party. <i>John Saffell</i>	957
News and Notes, Personal and Miscellaneous. <i>Managing Editor</i>	970
Book Reviews and Notices	984
Recent Publications of Political Interest	
Books and Periodicals. <i>Charles B. Hagan</i> and <i>J. Austin Ranney</i>	1043
Government Publications. <i>Miles O. Price</i>	1070
Notes on Some Recent Documentary Materials. <i>James B. Childs</i>	1076

NUMBER 6—DECEMBER, 1948

"Contract Clause" Litigation in Colombia; A Comparative Study in Judicial Review. <i>J. A. C. Grant</i>	1103
American Government and Politics	
The Repeal of P.R. in New York City—Ten Years in Retrospect. <i>Belle Zeller and Hugh A. Bone</i>	1127
Post-War Politics in Japan: A Symposium, II. <i>Harold S. Quigley</i> (ed.)	
IV. Underground Politics in Post-War Japan. <i>Harry Emerson Wildes</i> ..	1149
V. Party Politics in the New Japanese Diet. <i>Justin Williams</i>	1163
Instruction and Research	
Toward International Collaboration in Political Science: A Report on the UNESCO Project "Methods in Political Science." <i>William Ebenstein</i>	1181
The Introductory Course in International Relations. <i>Russell H. Fifield</i> .	1189
News and Notes, Personal and Miscellaneous. <i>Managing Editor</i>	1197
Book Reviews and Notices.....	1211
Recent Publications of Political Interest	
Books and Periodicals. <i>Charles B. Hagan and J. Austin Ranney</i>	1257
Government Publications. <i>Miles O. Price</i>	1278
Index to Volume XLII. <i>Mary T. Reynolds</i>	1285

OFFICERS OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION

President

Henry R. Spencer
Ohio State University

Vice-Presidents

ESTES KEFAUVER
U.S. House of
Representatives

HANS Kelsen
University of California

ROSCOE C. MARTIN
University of Alabama

Secretary-Treasurer

HARVEY WALKER
Ohio State University

Managing Editor

FREDERIC A. Ogg
University of Wisconsin

EXECUTIVE COUNCIL

Above-named officers *ex officio*

RALPH J. BUNCHE
Howard University

ROBERT H. CONNERY
Stanford University

CHARLES McKINLEY
Reed College

C. PERRY PATTERSON
University of Texas

HAROLD S. QUIGLEY
University of Minnesota

TAYLOR COLE
Duke University

GEORGE A. GRAHAM
Princeton University

LLEWELLYN PFANKUCHEN
University of Wisconsin

JOHN A. VIEG
Pomona College

BELLE ZELLER
Brooklyn College

HAROLD F. ALDERFER
Pennsylvania State College

BEN M. CHERRINGTON
University of Denver

MERLE FAINSOD
Harvard University

JOSEPH M. RAY
University of Maryland

JASPER B. SHANNON
University of Kentucky

FORMER PRESIDENTS

FRANK J. GOODNOW

ALBERT SHAW

FREDERIC N. JUDSON

JAMES BRYCE

A. LAWRENCE LOWELL

WOODROW WILSON

SIMEON E. BALDWIN

ALBERT BUSHNELL HART

W. W. WILLOUGHBY

JOHN BASSETT MOORE

ERNST FREUND

JESSE MACY

MUNRO SMITH

HENRY JONES FORD

PAUL S. REINSCH

LEO S. ROWE

WILLIAM A. DUNNING

HARRY A. GARFIELD

JAMES W. GARNER

CHARLES E. MERRIAM

CHARLES A. BEARD

WILLIAM B. MUNRO

JESSE S. REEVES

JOHN A. FAIRLIE

BENJAMIN F. SHAMBAUGH

EDWARD S. CORWIN

WILLIAM F. WILLOUGHBY

ISIDOR LOEB

WALTER J. SHEPARD

FRANCIS W. COKER

ARTHUR N. HOLCOMBE

THOMAS REED POWELL

CLARENCE A. DYKSTRA

CHARLES GROVE HAINES

ROBERT C. BROOKS

FREDERIC A. Ogg

WILLIAM ANDERSON

ROBERT E. CUSHMAN

LEONARD D. WHITE

JOHN M. GAUS

WALTER F. DODD

ARTHUR W. MACMAHON

Copies of back issues of the **AMERICAN POLITICAL SCIENCE REVIEW** can be obtained at the following prices: Vol. I-X (1906-1916), \$1.50 per copy, except Feb., May, Aug., Nov. 1907, May 1908, Aug. 1910 and Nov. 1911, which are \$3.00 each. Vols. XI-XXV (1917-1931), \$1.25 per copy, except Feb., Aug. 1917, Nov. 1924, Feb., May, Aug. and Nov. 1925, Feb. 1926, Feb., May and Nov. 1927, Nov. 1928, May, Aug. 1929, May, Nov. 1930, Feb. and Nov. 1931, \$1.50 each; Feb. 1928 and Nov. 1929, \$3.00 each. Vols. XXVI (1932) and following \$1.00 per copy, except Feb. and Apr. 1932, Feb., June, Aug., Oct., Dec. 1934, all issues 1935, 1936, and 1937, Feb., June, Aug. and Dec. 1938, Feb., Apr., June, Aug., Oct. 1939, Apr., Oct., Dec. 1940, Aug. and Dec. 1943, \$1.50 each; Feb. 1940, Feb. 1941, Oct. 1943, Feb., Apr., June 1944, Oct. 1945, Feb., Aug. and Oct. 1946, \$3.00 each. General Index, Vol. I-XX, \$1.00. Complete Volumes XII-XXI, \$5.00 per vol.; prices for other complete volumes furnished on request. Postage extra. Prices are subject to change. Some early issues are no longer available. Address: Harvey Walker, Secretary-Treasurer, American Political Science Association, 100 University Hall, Ohio State University, Columbus, Ohio.

WANTED

Back Issues of the Review

Only copies in good condition will be accepted.

Five dollars will be paid for the November 1906 issue, Vol. I, No. 1.

Fifty cents will be paid for each copy of the following issues: Feb., May, Aug. and Nov. 1907; Feb., May and Nov. 1908; Feb., May, Aug. and Nov. 1909; Aug. 1910; Nov. 1911; Nov. 1931; Feb. 1940; Feb. 1941; Feb., Oct. and Dec. 1943; Feb., Apr. and June 1944; Oct. 1945; Feb., Aug. and Oct. 1946; Feb., 1948.

Twenty-five cents will be paid for the following issues: Feb. 1917; Feb., May and Nov. 1927; Feb. 1928; May, Aug. and Nov. 1929; Feb. and Dec. 1934; Dec. 1935; Feb., Apr., June, Aug., Oct. and Dec. 1936; Feb. and Oct. 1937; June 1938.

HARVEY WALKER, Secretary-Treasurer
100 University Hall, Ohio State University
Columbus, Ohio

AVAILABLE FOR IMMEDIATE DELIVERY—

Reprinted from THE JOURNAL OF POLITICS

Useful as a Supplementary Text in State Government Courses

THE SOUTHERN POLITICAL SCENE, 1938-1948

1. Social Change in the South—Howard W. Odum, *University of N.C.*
2. Economic Change in the South—B. U. Ratchford, *Duke University*
3. The Supreme Court and the South—Carl B. Swisher, *Johns Hopkins*
4. The South and American Foreign Policy—Marian D. Irish, *Florida State U.*
5. Recent Political Theory in the South—Manning J. Dauer, *University of Florida*
6. Constitutional Revision and Growth in the South—Alden Powell, *L.S.U.*
7. Southern Governors—Cortez A. M. Ewing, *University of Oklahoma*
8. The Southern Legislature and Legislation—H. C. Nixon, *Vanderbilt University*
9. Trends in Public Administration—J. A. Burdine, *University of Texas*
10. The Southern State Judiciary—Lee S. Greene, *University of Tennessee*
11. Presidential Politics in the South—Jasper B. Shannon, *University of Kentucky*
12. Trends in Municipal Government in the South—Weldon Cooper, *University of Virginia*
13. Trends in Local Government in the South—M. H. Satterfield, *T.V.A.*
14. State Planning and the Future of State Government—Albert Lepawsky, *University of Alabama*

\$2.00

334 pages

KALLMAN PUBLISHING COMPANY

1870 W. University Avenue, Gainesville, Florida

THIRD PRINTING . . .

POST-WAR GOVERNMENTS OF EUROPE

Edited by DAVID FELLMAN

(Reprint of ten articles from August 1946, JOURNAL OF POLITICS)

Useful as Supplementary Text—168 pages

\$1.25 Text

\$1.50 Trade

ALSO . . . NOW ON SALE:

Reprinted from November JOURNAL OF POLITICS: Twelve articles on China, Japan, India, Philippines and other countries—

POST-WAR GOVERNMENTS OF THE FAR EAST

\$1.50 Text

274 pages

\$1.75 Trade

COMING . . .

THE PRESIDENCY IN TRANSITION

Edited by ROBERT S. RANKIN

(Articles by Laski, Corwin, and so forth)

Available January, 1949

330 pages

\$2.00

KALLMAN PUBLISHING COMPANY

1870 W. University Avenue

Gainesville, Florida



POLITICS AMONG NATIONS

The Struggle for Power and Peace

by HANS J. MORGENTHAU

THE UNIVERSITY OF CHICAGO

This new work is the first post-war text on international relations, and is unique in its field. Published in September, 1948, it has been immediately adopted by over forty colleges and universities, including California, Columbia, Cornell, Harvard, Miami, Minnesota, New Mexico, North Carolina, Princeton, Texas and Yale.

523 pages, 9 maps, \$4.25 text

THE RECORD OF AMERICAN DIPLOMACY

Documents and Readings in the History of American Foreign Relations

edited by RUHL J. BARTLETT, *Tufts College*

This unique source book is a comprehensive and authoritative collection of all the official documents and other papers essential to understanding American foreign policies from colonial times to the present.

768 pages, \$4.50 text

SOVIET POLITICS: AT HOME AND ABROAD

by FREDERICK L. SCHUMAN, *Williams College*

This brilliant and thoroughly documented study of Russian politics analyzes Soviet Communism and the relationship between its domestic development and the changing course of Soviet foreign policy.

707 pages, \$3.75 text

AMERICAN POLITICAL PARTIES: THEIR NATURAL HISTORY

by WILFRED E. BINKLEY, *Ohio Northern University*

Here is a fresh interpretation of the origin and make-up of our major political parties and the roles of national political leaders in building these powerful groups.

443 pages, \$3.00 text

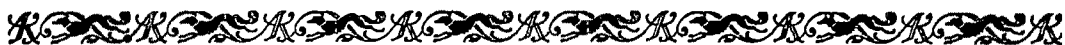
Examination Copies on Request

College Department

ALFRED A. KNOPF

501 Madison Avenue

NEW YORK 22



Revised to cover events as late as
MARCH, 1948

GOVERNMENT AND POLITICS ABROAD

Edited by Joseph S. Roucek, Chairman of the Department of Political Science and Sociology, University of Bridgeport, with the collaboration of: Floyd A. Cave, San Francisco State College; Glen A. Hoover, Mills College; Thorsten V. Kalijarvi, U. S. Library of Congress; Wilbert L. Hindman, University of Southern California.

A REVISED edition of Roucek's study of the history, politics, and peoples of 33 important nations, covering events as late as March, 1948. Stressing the significance of each region to Americans, this book gives a clear, objective, and comprehensive evaluation of the social, political and historical forces agitating Britain, France, Russia, Germany, and the smaller nations of Turkey, Spain, Portugal, the Baltic States, Poland, Czechoslovakia, and Latin America. It surveys the geographical background, the people, the economy, the pattern of constitutional growth, suffrage and elections, political parties, executive powers, public education, physical planning, housing, production and employment, of each country and provides the student or layman with an overall, up-to-date view of the international scene. Widely adopted by colleges and universities throughout the country. Over 600 pages, textbook edition \$4.00.

Chapter Headings

Great Britain
France
Germany
Russia
Italy
Spain
Portugal
Switzerland
The Scandinavian Nations
and Finland
Poland and the Baltic States
Czechoslovakia
Hungary
Romania
Yugoslavia
Bulgaria
Greece
Turkey
Latin America

FUNK & WAGNALLS COMPANY 153 East 24th Street, New York 10, N.Y.

Economic Man

IN RELATION TO HIS NATURAL ENVIRONMENT

C. Reinold Noyes

"Professor Noyes, chairman of the National Bureau of Economic Research, is an economist who knows his way about the natural sciences. . . . In his meticulous, soft-spoken fashion, (he) gives several well-established notions a rough going-over. This work represents a significant and important beginning."—*New York Times*.
2 vols., \$15.00

History: A Guide to Peace

Erno Wittman

A detailed examination of the economic, social, and psychological causes of past wars. The author finds too much diversity of interest in the world at present for a world state, and argues cogently for a modern balance-of-power. *Maps*, \$5.50

The Manchurian Crisis, 1931-1932

A TRAGEDY IN INTERNATIONAL RELATIONS

Sara R. Smith

Documentary material not hitherto available throws light on the Manchurian "incident" which was actually the first step in World War II. \$3.50

Old China Hands and the Foreign Office

Nathan A. Pecolvits

"It can be recommended to any and all Americans—including members of the State Department—who are concerned about the present special position of the United States in China, militarily and economically,"—*Chicago Sun*. \$3.75

There is Another China

ESSAYS AND ARTICLES FOR
CHANG POLING OF NANKAI

A competent record of certain elements in the history of modern China which have been lost sight of in recent days. *A King's Crown Press Publication*. \$2.75

COLUMBIA UNIVERSITY PRESS


Morningside Heights, New York 27

Publishers of the Columbia Encyclopedia

*For well-informed,
intelligent citizenship . . .*

AMERICAN NATIONAL GOVERNMENT


By CALEB PERRY PATTERSON and HARVEY WALKER



This new text emphasizes the fundamental ideas on which our government and institutions are based, and covers the administrative organization and functions of the national government. The book also discusses the international obligations of the United States on the administrative level. *Ready in January.* \$4.50

AMERICAN MUNICIPAL GOVERNMENT AND ADMINISTRATION

By STUART A. MacCORKLE



This text covers thoroughly the subject of city government, the state's control over local activities, and city-Federal relations; and brings the student to realize that with more than one half of the people in America being governed in their local communities, municipal affairs are an increasingly important field. 639 pages. \$4.25

D. C. HEATH AND COMPANY

BOSTON

NEW YORK

CHICAGO

ATLANTA

SAN FRANCISCO

DALLAS

LONDON

New Books in the Field

The Legislative Process

Lawmaking in the United States

By HARVEY WALKER, *The Ohio State University*

A new text for college and university courses in Legislation, The Legislative Process, or Lawmaking, this work describes the machinery set up in the United States for determining and declaring the will of the people. It attempts to evaluate objectively the defects in this machinery and the impediments which have been allowed to accumulate in the path of its smooth operation. And finally, it suggests a direction for future progress. The materials here presented supply a necessary background for the consideration of some of the more important problems facing democratic government. The book should be of value also in such courses as Introduction to Political Science, American National Government, and State and Local Government in the United States. 482 pages, \$5.00

International Government

By CLYDE EAGLETON, *New York University*

The important revision of this successful text is concerned with the slowly evolving constitutional law and organization of the community of nations, developing toward international, or world government, and stresses this point of view rather than international relations in general. The author's new work has been necessitated by events which took place before and after an historical point in the evolution of international government—the end of the League of Nations and the beginning of the United Nations. 554 pages, \$5.00

Democracy

The Threshold of Freedom

By HAROLD F. GOSNELL, *American University*

This book appraises objectively two important democratic institutions in terms of how they actually work. The first of these is suffrage, and the second, representative government. The data gathered has been systematically analyzed so that the institutions may be judged more accurately. 316 pages, \$4.00

The Administrative State

A Study of the Political Theory of American Public Administration

By DWIGHT WALDO, *University of California, Berkeley*

This work seeks to bridge the gap between the studies of political theory and public administration. The objective is the interpretation of the development of public administration from the viewpoint of political philosophy. The author examines the public administration movement in the perspective of American history to interpret it in terms of its context of institutional development, material setting, and currents of thought. 227 pages, \$3.25

THE RONALD PRESS COMPANY
15 East 26th St. New York 10, N. Y.

More Than A Quarter Million

In the past two decades it is conservatively estimated that more than a quarter million students have used as their texts on American state and local government, the works of Austin F. Macdonald. Certainly no other author has had such wide acceptance in the fields of state and city government and administration.

The current editions of these texts are more readable, more teachable, better organized, and better edited than ever before.

AMERICAN STATE GOVERNMENT AND ADMINISTRATION

655 pages

6 x 9

\$4.00

"In my opinion there is no better book on the subject of state government than Macdonald's book. It is balanced, comprehensive, and thorough."

—*Kirk H. Porter, State University of Iowa*

"Well organized, accurate, and clearly and simply written."

—*William Anderson, University of Minnesota*

"It has always been the best book in the field."

—*Malcolm R. Eiselen, College of the Pacific*

AMERICAN CITY GOVERNMENT AND ADMINISTRATION

657 pages

6 x 9

\$4.00

"Has retained the clear lucid style which makes this work so readable and the favorite of so many students. The newer subjects treated are well integrated and in no way disturb the organization of subject matter so well done in previous editions."

—*Edward W. Carter, University of Pennsylvania*

"The most comprehensive of those in use today."

—*William H. Young, University of Wisconsin*

THOMAS Y. CROWELL COMPANY

432 Fourth Avenue

New York 16, N.Y.



New **McGraw-Hill** Books

THE AMERICAN SYSTEM OF GOVERNMENT

By JOHN H. FERGUSON, The Pennsylvania State College, and DEAN E. MCHENRY, University of California, Los Angeles, *McGraw-Hill Series in Political Science*. 960 pages, \$4.50

This postwar college text covers the essential features of the American system of government at all levels—national, state, and local. The authors offer timely treatments of foreign relations and the United Nations; federal powers, federally owned and operated enterprises; compulsory military training; and control of atomic energy.

THE AMERICAN FEDERAL GOVERNMENT

By JOHN H. FERGUSON and DEAN E. MCHENRY. *McGraw-Hill Series in Political Science*. 818 pages, \$4.00

Consists of those sections of *The American System of Government* which deal with the federal government.

INTERNATIONAL POLITICS. New 4th edition

By FREDERICK L. SCHUMAN, Williams College. 1026 pages, \$5.50

Besides bringing up to date the narrative portions and reading lists in the new edition of this well known text, the author has rewritten many parts of the book in readable and stimulating style, and has included a wealth of new maps depicting graphically the evolution of the Western State System and the postwar world scene.

THE RAPE OF POLAND. Pattern of Soviet Aggression

By STANISLAW MIKOLAJCZYK, former Premier of Poland. 309 pages, \$4.00

This is a personal report and a historic record of the events which took place from 1939 to 1948. Mikolajczyk speaks as an on-the-spot eye witness to the national tragedy of Poland, and his account clarifies Russian motives, methods, and aims in the Sovietizing of this unhappy country. The book contains many startling revelations of the author's conversations with Churchill, Roosevelt, and Stalin.

STATES AND MORALS. A Study in Political Conflicts

By T. D. WELDON, Fellow of Magdalen College, Oxford. 301 pages, \$3.50

A stimulating and important book for all who are searching for sense and meaning in the present-day crisis in political and international affairs. The author shows not only how political theories are connected with the facts and the problems of internal and international politics, but also gives an indication of their connection with other branches of philosophy.

Send for copies on approval



McGraw-Hill Book Company, Inc.

330 WEST 42ND STREET, NEW YORK 18, N. Y.

The American Political Science Review



VOL. XLII

FEBRUARY, 1948

NO. 1

CONFLICT, CONSENSUS, CONFIRMED TRENDS, AND OPEN CHOICES*

ARTHUR W. MACMAHON

Columbia University

A little over a century ago, De Tocqueville ended the first volume of *Democracy in America* with the flashing paragraph which identified two rising nations destined to become transcendent centers of power. The prescience of that ending was matched by the closing sentence of the second volume: "The nations of our time cannot prevent the conditions of men from becoming equal, but it depends upon themselves whether the principle of equality is to lead them to servitude or freedom, to knowledge or barbarism, to prosperity or wretchedness." This sentence is more than a frame of the age, even to the hour. It hints at a theory of history; it is a clue to the relation of trends and choices.

I

Each major trend, holding such momentous alternatives, is itself the cumulative outcome of choices. The main alternatives, likewise, result from the interaction of fresh ideas with tradition, available resources, and potential techniques. Each new choice sets in motion its limited train of consequences, to be worked out in a succession of adaptive changes. In this restricted sense, man is intermittently the captive of his own discoveries. But spontaneity survives amid the accommodating changes launched by earlier acts of creation. Recurrently, as well as originally and fundamentally, ideas are the determinants.

In societies that are evolutionary in mood and method, constantly

* Presidential address delivered before the American Political Science Association at its forty-third annual meeting, Washington, D. C., December 28, 1947.

but moderately in motion, the angle of deviation at any time in the choice of public policies is likely to be small. It is true that sweeping arcs of change may be generated if one step is followed by others which repeat the angle and do not merely project the altered direction. But the outstanding fact is the consistency of cumulative policy. Conflict plays its rôle in a moving consensus which conditions and absorbs it. The resulting steadiness of confirmed trends permits us to view more confidently than we might otherwise do the ability of the modern democratic state in the setting of the multiple interests of a free society to avoid a dilemma which, if it were real, might be fatal either to the method or to the program of the democratic state.

The supposed dilemma may be stated baldly. Shifts of party control—an essential possibility in responsible government—might be ruinous to an economy in which the influence of the state had become important. A modern industrial society is too delicately interdependent to stand the sudden wrenching of policies to which it had accommodated itself. Such a society could hardly prosper under the paralyzing uncertainty of probable but not sure reversals. The difficulty would exist even if only domestic commitments were at stake. The present-day involvements of government, to say nothing of impending burdens, would render intolerable a political process in which rival parties, like succeeding waves on the beach, wiped out each other's ripple marks in futile alternation. A collateral difficulty may be noted. Modern administration, in wielding the discretion necessarily given to it, must accurately project the legislative intent and at the same time be genuinely creative in exploring and recommending possible developments of going policies. Loyalty to the law is indispensable and the habit of trained administration. But energy, courage, and inventiveness, which are also imperative needs, would not be easy to obtain if basic policies were always tentative. Furthermore, the semi-autonomous administrative forms which provide flexibility in the conduct of governmental entrepreneurial activities are workable only when major purposes are settled and stable.

So runs the statement of the supposed dilemma. Two very different conclusions are mistakenly drawn from it, based on a false premise about the political process. One extreme is the conclusion that government cannot afford to have much to do with the economy because precious values inhere in the system of competitive

politics. The other extreme conclusion is that the apparatus of competitive politics must be abandoned since the modern state must increasingly assume heavy and delicate tasks, to be performed steadily and confidently as well as expertly. Happily, both extreme conclusions may be rejected. The dilemma itself is unreal.

In the setting of such a society as the United States, electoral campaigns are concerned with the tempo rather than the trend—in other words, the main course of development or the direction—of public policy. Principles once enacted are seldom repealed; steps firmly taken are seldom retraced. Oscillations in politics are common. But the metaphor of the pendulum, properly understood, notes that the pendulum controls the timing of the clock; it does not drive it. The hands, furthermore, turn in one direction. In politics, of course, this version of the analogy of the pendulum, while it neatly symbolizes electoral swings on questions of tempo, breaks down—in the way of all mechanical figures of speech—on the point of the irregular rate of political change.

The rate of change is reflected mainly in additions to the statutory accretion, which may be many or few, and in any case by the size of the appropriations, the conditions attached to them, and the relative vigor in the execution of laws inherited from the past. So tempo, not direction, is actually in dispute. The controversy is complicated by doctrinal overtones about how far the trend should and will be carried. The issues of distance and destination thus become mixed with the immediate and practical issue of tempo. The questions of distance and destination are crucial only to the extent that, on the one hand, any particular step starts an irresistible sequence or, on the other hand, is not worth taking at all unless pursued. These conditions are seldom present. Therefore the important question of destination is largely fictitious in any campaign. A decision to go more slowly, or to go no farther, or even to withdraw a little, does not involve a marked deviation from the course already traced.

Confirmation of the view that has been expressed could be read during the last two decades in the extent to which, on the one hand, certain policies associated with the New Deal had been anticipated, while, on the other hand, its specific innovations, if not its innovative temper, were virtually endorsed by the opposition party in all presidential campaigns through 1944, along with complaints about administrative inefficiency and doubts of the need for further rapid

extensions. This seeming acceptance gained significance from the fact that the era was not wholly one of good feeling. The generalization must now be qualified in the light of congressional policy since the 1946 elections. But the qualification is not fundamental; the main conclusion stands. In the case of labor legislation, for example, the test of consistency in the growth of public policy is to consider, not the hopes for harm to the labor movement that may have been held by some of the proponents of the 1947 act, or even the harm actually done, but rather the disclaimers of hostile intent on the part of these proponents. Such disclaimers signified the recognition, however grudging, of a virtual national consensus about organized labor as an autonomous force and about voluntary collective bargaining.

It may be argued, of course, that the degree of opposition acceptance of completed action has reflected blurred conditions of party division in the United States. To this argument is sometimes added the forecast that the pressure of restive interests and unsolved problems will force a resorting of elements in the two-party system which will result in starker conflicts. Under such conditions, it is said, the verdict at the polls will be resented bitterly and counter-attacked tenaciously, whichever side wins. The reply to this argument must concede a crucial rôle for conflict and for the mobilization of majority opinion. But clarity in a two-party system will always be approximate except under conditions that approach revolution. In the United States, the amount of heterogeneity within major parties may vary from time to time; it may be lessened by gradual or seismic shifts of sectional, group, and family voting habits. But the effect upon party cohesion and the sharpness of party conflict would at the most be a matter of degree. Moreover, so far as sharpened issues yielded decisive measures, their involvement in the economy would probably lessen the disposition to dislodge them wholesale.

Cumulative consistency, wherein competitive politics oscillate mainly on questions of tempo, is hardly possible except in societies endowed for measured development. The favorable if not absolute prerequisite is a combination of such factors as abundant and balanced natural resources, an accumulation of skills, a standard of living already high and diffused enough to blunt want's rawest edges, relatively fluid classes, a tradition of tolerance, the habit of participation, and rules of constitutional organization and political

procedure definite enough to become ingrained and flexible enough to be workable. The nearly unique endowment of the United States is the measure of its precious and almost peculiar opportunity to cherish the prime assets of the political heritage of the Western world while contriving to deal with economic and other problems at home and abroad. Our very understanding of the needs, handicaps, and exigencies of other peoples is additional ground for the determination to hold fast to this opportunity and to respect the process of growth that it makes possible.

II

Consistency in the development of the broad outlines of policy does not remove the need for majority decisions as part of the larger process of a moving consensus. Few actions benefit all equally, at least in their short-run and visible effects. Even under a general strategy of incentives, some governmental measures will be sharply restrictive and punitive. A politics based on unanimity alone would utterly frustrate its own ideal. Majority action as the antecedent of agreement is frequently a double process. First, certain crucial decisions are driven home, characteristically in the form of statutes. Second, such decisions are clinched by reiterated support at the polls. This process was illustrated in the Thirties by the increase of the congressional majorities in 1934 and by the approval given to the Administration in 1936. These reaffirmations helped to confirm the trend. The structure of consensus cannot be erected without hard-driven pinnings at many points.

The double process of driving and clinching requires institutions through which fluent majorities can combine and act. The territorial apportionment of representation and the political party provide the most practicable method. Majority rule through geographical constituencies has many defects, including those that attend sectional fixations or result from the manipulation of apportionment, but the system is fundamentally dynamic in permitting varied combinations to mobilize in support of ideas fused into programs. Vocationally apportioned bodies require some prearranged weighting of power. They are therefore less suited to shape policy than to advise on the application of policies already settled in outline. In this sense such bodies are more appropriate to the multiple fields of administration than to the main vortex of national debate and decision. But this conclusion, while it warns of the difficulties

in giving too wide a jurisdiction even when the organs in question are advisory, does not foreclose the possible value of balanced councils for the exploration of agreement within very broad fields. The majority process of driving and clinching decisions at key points must be preceded as well as followed by methods which discover areas of agreement, help to perfect the detailed application of measures, cultivate a sense of mutuality in the results, hasten acclimatization, and set in motion complementary voluntary programs.

III

A moving consensus is the condition of survival as well as growth in a society textured like ours. Though we reject a plural pattern for government itself, our national community is inherently plural. We truly pronounce this a condition of freedom. We recognize, however, the tenuity of such a fabric. It is criss-crossed by veto powers. Some of these veto powers must survive as potentials of balance. A supreme task of positive statecraft in such a society is to predispose the motivation in favor of understanding, continuity, and affirmative response.

In cherishing equipoise in these terms, we are not constrained to a choice between the horns of what some people imagine to be the inveterate dilemma of monarchy and feudalism: monarchy in the figurative sense of an essentially political vortex of all power; feudalism in the sense of the counterpoise of vast and resourceful aggregations of property. Nor would escape be found in atomizing society. The vogue of this dream is not unnatural in a shell-shocked world. Now that collectivism in various forms and degrees has actually been installed in certain countries, *laissez faire* is quite literally the only untried utopia. As such, its appeal is strong to generous minds. But we are deterred by more than the revolution which this utopia avows when it is candid, including, evidently, considerable sacrifice of property to the ideal of production. A deeper ground for doubt is the further rootlessness of industrial man which is threatened by the perfect fluidity of the market-place, including perfect mobility of labor supply, contemplated by this utopia.

Diversity and a degree of counterpoise there must be. But no automatic guarantee can be found in institutional forms. The ultimate assurance of flexibility is in men's ideas. This statement does

not mean that ideas could survive without embodying themselves in institutions that fortify them. The outcome reacts upon the source; the two must be reckoned with together. The survival of liberty is not less fundamentally a matter of ideas because it requires the help of a calculated balancement. While the ideas live, they will insist upon forms of decentralization. In ideas, not in the diversities of the external institutional structures themselves, lies the tolerance which invites diversity to arise and insists that it shall survive.

Amid the resulting diversity, an outstanding requisite of the democratic state is the existence of means and methods which develop and apply the sense of interdependence—the habit of side-sight as well as foresight. Both take account of the spreading and obscure consequences of action. Both enlighten self-interest. If the analysis is sharp and thorough and widespread enough, everyone learns how far he is in his brothers' keeping and incidentally his brothers' keeper.

IV

Basic values must underlie an advancing consensus worked out among the diverse groups of a plural society. The values themselves are absolute. They are so largely embodied in the means, however, that their application is endlessly flexible. For example, the ideal of resilient personality, at once self-reliant and related, is absolute; likewise it is an element in the apparatus of liberty. It remains an end-value in the sense that its survival is a condition of every choice accomplished through the methods in which these attributes of personality are crucial elements.

It is not true, despite many fears, that the substructure of agreement has disintegrated in a secular age. The deep belief in the importance and dignity of the individual can more readily survive the secularization of modern thought because theologies seem to have been the derivatives of ethics rather than their source. Thus the idea of divine fatherhood may well have been a kind of posterior logical justification of the primary idea which was the sense of brotherhood deep in the all-embracing compassion of great men. This sequence offers reassurance for the durability of absolute ethical standards. Agreement, moreover, draws on new philosophical resources. Science, while it probes the mysteries that lie between the different levels of existence, teaches fresh respect for the signifi-

cance of these differences. The effect is paradoxical, for it quickens the zest to comprehend wholeness in its various settings. One result of this subtly pervasive attitude of our times—the signs of which can be read in so many ways and places—is attention to men as wholes in any, given situation. This emphasis has its own risk of narrowing distortion, its own susceptibility to fads, its own hazards of diversion into dead-ends. But it is deeply favorable to types of analysis which insist upon viewing human problems in terms of the way whole men are made and behave.

Agreement about the dignity of the individual is aided rather than threatened by the drive in the modern world to command as well as to understand nature. This outlook stresses the physical basis of the good life, not merely in avoidance of pain and in positive health but also in facilities and goods. These physical conditions provide measurable standards. Such a calculus is a safeguard against obscurantism. Much is said against materialistic attitudes in societies like our own; we quickly agree to the need in all relations, industrial and otherwise, for greater insight into the nature of man—the total man. But the threats to man's very survival may be lessened rather than increased by a cool consideration of his needs and conditions. It is a useful check always to ask, very concretely and exactly, what is actually happening in the lives of men. At the same time, this test and the elemental questions that cluster around it contain far-reaching potentials of agreement.

Fear as motive seems strangely limited. Thus a long-held conviction about hell-fire—the ultimate of suffering—failed to produce one hundred per cent probity. This fact offered something like a laboratory demonstration of the limited persuasiveness of fear unless a very clear and present danger. Certainly we have reason to fear greatly, whether we look abroad or merely look at home at such simple things as wasting soil and falling water tables. There are already at hand enough fearful reasons, if fear can move us, to redeem our national carelessness and to remake our national life. But, despite the political theory of fear, man is curiously perverse in his dynamics. Except in the dreadful instant itself, it is not fear but love that seems to move men.

As we look afield and reflect on the condition of life on all the continents, we are saved the mistake of an unrealistically literal projection of our own political and economic opportunities. It is part of the duty of the social studies to discipline our expectations.

In this connection we must generally be on guard against a strain between standards and institutional developments which may easily produce a deep *malaise* in sensitive minds. Presumably the human race, with close to a million years already behind it, will live on the planet for many hundreds of thousands of years or longer, unless it is buried by its own historical records, the accumulation of discarded automobile bodies, or some quicker chain of small events. Yet already the mind of man at its best has conceived ultimates of nobility and harmony. The great points of perspective which guide us necessarily lie outside the pictures we presently draw. Tough-minded caution on this matter is the very opposite of a call to inaction or to desperation. The friendly support of mankind will not be won without a demonstration of our ability to utilize our productive capacity, to mitigate our irregularities and inequalities, and also, beyond the present filling of vacuums, to solve the problem of exporting capital and techniques without a train of infeudation and smoldering resentment. We no longer sail the summer seas of which James Bryce wrote with kindly foresight. Imperative burdens of action rest upon the oldest government in the world.

V

The constitutionalism of this country makes no distinction between becoming and being. We assume no moratorium of transition. End-values are present in the means. Their permanent retention is assumed. Subject to this fundamental limitation, no preordained bounds are set on what the constitutional system may yield. These facts are at once the glory of our constitutionalism and the promise of its survival.

As to the responsiveness of the system, Edward S. Corwin correctly foretold in his presidential address to this Association in 1931 that the governmental difficulties ahead, and the attendant pre-occupations of political science, would be less those of constitutional power than of political and administrative structures and behavior. This forecast has been abundantly vindicated. It must be qualified, however, to take account of a seeming exception; for in one important respect the judicial veto has been expanding.

While clearing the way for substantive action, the Supreme Court has been reshaping the constitutional guarantees as restrictions on the way things are done, not on what may be done. This

momentous doctrinal development, has already transformed the Fourteenth Amendment, absorbing in it the prohibitions of the First. The reorientation has been a little embarrassed, if not impeded, by the tendency of some justices to see an inconsistency between the invalidation of state and local laws as infringements of liberty, on the one hand, and, on the other hand, the Court's wish to defer to electorates and legislatures as the intended masters of policy. "Reliance for the most precious interests of civilization," wrote Justice Frankfurter in his unrepentant dissent in the second flag salute case (*West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 671, 1943), "must be found outside of their vindication in courts of law." He added: "Only a persistent positive translation of the faith of a free society into the convictions and habits and actions of a community is the ultimate reliance against unabated temptations to fetter the human spirit." These quoted sentiments hold much wisdom, but carry judicial self-restraint unnecessarily far. The alleged inconsistency in invalidating some legislation while upholding the rest is more seeming than real. The controverted legislation in question falls under due process as a procedural safeguard. Responsible popular government as a whole may be regarded as a gigantic procedure which includes individual conscience and curiosity, access to facts, expression, the means of organized communication, involving groups, parties, elections, and open discussion in legislative bodies. To call all of this procedural is more than a play on words. To call it procedural rather than substantive does not disparage the end-values that inhere in the process itself. The utility of this viewpoint is to fortify the tendency to keep and strengthen the constitution as a system of dikes, as it were, while abandoning the effort to throw it like a dam across the stream of the deliberate popular will. The shift of emphasis summarized in this strained metaphor is profoundly hopeful for the perpetuation of constitutional government. River channels can be diked against disastrous overflows; freshets in their numerous headwaters can be detained or diverted. But the main flow cannot be stopped by any practicable means. If it could be arrested, the damage from the backward flooding would be incalculable, the inevitable break catastrophic.

The foreseeable problems are not primarily those of absence of positive powers. The seemingly irrevocable trend of interpretation has gone far in liberating legislative discretion. In upholding the

Fair Labor Standards Act in 1941, the Supreme Court held obsolete certain inhibiting implications which had survived even the decisions sustaining the National Labor Relations Act. The congressional power to regulate interstate commerce, it was held in the later case, is not confined to facilitating commerce by removing obstructions or to cleansing its stream; the power is plenary in the judgment of Congress. To be sure, serious complications survive in assimilating intrastate to interstate commerce where the two interact to a degree that requires more than administrative coöperation. The possibilities of such assimilation, in the absence of a clear mandate from Congress, have been treated cautiously by a Court disposed to free the states from the negative effects of the commerce clause as well as the bondage of due process as an obstacle to economic regulation. But at least the doctrinal basis of assimilation is already available. What has been said is not grounds for constitutional complacency. There is continued need for truly creative constitutional law. Broadly speaking, however, any economic question which Congress is persuaded to identify as of major national concern can be reached under the commerce power, however clumsily and incompletely. Meanwhile the ramifications of the defense power were illustrated in the fact that the constitutionality of the Atomic Energy Act of 1946 was assumed almost without discussion.

The problem of compulsion is lessened by the fact that the control methods of a moving consensus, although pinned initially by majority action at crucial points, will be largely a calculated interplay of inducements, incentives, and indirect influences, not direct coercion. Prohibitions have their place, but the sins they correct are faults of commission. It is the faults of omission which chiefly concern the creative outlook. The early novelty of governmental programs will not lie in any one approach or in the newness of the methods considered separately. The novelty will consist in more comprehensive analysis and more deliberate interlocking of multiple influences with an eye to their timing and their joint effect. The need for concert involves more than the zone in which lie the most important unanswered questions of administrative structure; the need challenges afresh the workability of the grand partitions of government.

Dual representation through the channels of Congress and the Presidency is attended by ambiguities deeper than those which

come from their frequent possession by different parties at the same time. Apart from this factor, apparently, variant impulses flow at the same time from the same electorate as it projects itself on the plateau of the Presidency and in the valleys which are the legislative districts. The phenomenon is customarily explained as the difference between reflecting the whole and the parts. But the problem awaits more revealing analysis. Such analysis will doubtless stress, with attention both to social forces and to facilities for advice, how the two representative levels differ in the way they take account of the elements of interdependence, including neighborhood complexes and those distant in space and time. The challenge to an architectonic political science is not disposed of by reminding ourselves, no doubt soundly, that under the localized politics of a country of continental scale a parliamentary executive system might leave the disintegration as bad or worse. The increasingly critical problem of the modern state is precisely at the stage of synthesis in reckoning with interlocking factors.

VI

The mention of an architectonic sense invites a concluding comment on the attitudes of the professional congeries called political science. Its branches are linked by common concern with man's association in the state or concern at least with processes, under whatever name and circumstances, which have the characteristics of those found in association through the state. Thus broadly must we use the word "political." In the face of this range of interest, not to mention ferment on many frontiers, generalizing is foolhardy and prescriptions are impertinent. It is enough to speak of one major attitude which claims attention not only because it is widespread, but also and especially because it is related to what has been said about the nature of public policy in the United States. This attitude may be identified by the word instrumental. In the absence of an apter term, the word is drafted into service here from distant uses in philosophy and psychology. The meaning of the instrumental temper in political science is best revealed by considering it in several settings.

A vague instrumentalism underlies the extensively descriptive method which came to characterize political science as it detached itself from moral philosophy and history. The motivation was indirectly practical. It was assumed that a widely disseminated

knowledge of governmental machinery in all its parts would increase interest as well as skill in using the machinery. Such description, still informed by such a motive, constitutes the bulk of our teaching and writing. Often, to be sure, the intended impetus has been dulled by slurring the problems of power and the points of control. Attention to these matters has sharpened. More seriously, the whole method has frequently fallen amid three stools. The thinned description has become cool and disinterested without being sufficiently focussed and intensive for true anatomical insight and without being eclectic enough to draw meaning from distant relevancies.

The nascent zest for political theory seemed a break with the instrumental attitude. Fundamental questions were asked. The far-reaching significance of this development goes without saying. But basically the subject is shaped as a reaffirmation of values. In this sense the motivation is instrumental. The method may be partly comparative, but the essence is to reveal a tradition to itself. This tendency is natural and proper. The risk is reiteration in a vacuum. Content and context are requisites of expansive thinking. As Woodrow Wilson said before this Association in 1910 in a capacity in which one of his successors feels quaintly disproportionate: "Sympathy is your real key to the riddles of life." In this sense, humble facts, when they inform widening sympathies, are the raw materials or at least the catalytic agents of fruitful abstraction. But the reaffirmation of values may be creative when, working out from absolutes at the center, it strips these to their essence and then projects them to all the institutional parts as tests and guides.

The instrumental attitude is most apparent where political science seeks to be manipulative and not merely observant or reflective. Here political science takes its clues from nascent tendencies, its assignments from situations. It heralds the tendencies; in this sense its creativeness is vicarious. The major institutional outlines are taken for granted, although they may be described and contrasted with other systems. The flair is for contrivance, adaptation, adjustment, fulfillment. If in practicing this method we are sometimes less original than we seem, our plagiarism is of events rather than each other. Usually we are eager to avow the documentation of the recent and the impending deed. Such is the setting of instrumental inventiveness.

But if the characterization conveyed by the word instrumental is

taken as a condemnation of the prevailing temper of political science, all that has been said about the conditions of growth in the United States has been misunderstood. The instrumental attitude has the advantage of working within a tradition and close to a body of going institutions. This fact conserves and applies its energies; at the best, as in a channeled stream, the velocity of thinking is increased. For the reasons already suggested, the instrumental approach peculiarly fits the situation of the United States. It suits the methods of what we have called the moving consensus. So far as the instrumental manner has present faults, they are not in the attitude as such, although it may have contributed to a kind of structural conservatism. The fault of the instrumental mind is not in drawing leads from what is emergent; it is in failing often to see what is really emerging. The error is not in the source to which we look for assignments, but in being blind to great assignments.

We do not need to abandon the instrumental outlook, but to lift its sights. There are middle areas for observation, insight, and inventiveness that lie above the level of small though still useful contrivance and below the zones of irrelevant alternatives. In these middle areas, especially, are the thronging opportunities for the heightened application of instrumental political science. At this level we need to provide the guides that may come from the projection of absolute values at the core. Account must be taken of the import of the stupendous novelties forced on a government which has known little of arms or secrecy. The structural arrangements for the articulation of policy raise architectural problems hardly minor to those of the primary forms of the state. Foreign relations, involving every part of the government and touching every resource and activity, must be harmonized and channeled. Domestic economic policies must move in flexible accommodation. Our attention must run to the policies themselves as well as the processes. Students of foreign affairs do not need this advice. On the domestic side, we must equip ourselves to understand, not general procedures only, not trends merely, but also specific policies in their impetus, involvement, and impact. This is hard counsel, but if political science cannot respond we risk having to move out of our own house. Consensus in such a society as ours requires an organized awareness of interdependence. Since we would not wish kings, even if they were philosophers, it appears that everyone must become an economist, even to the humblest citizen. But the summons

in the name of interdependence is not less to us. We do not need to support this statement by noting how far economics is turning into political economy. Our subject is peculiarly the study of deliberate interaction.

When we thus extol a heightened practice of the instrumental temper in relation to the trends of cumulative policy, we are mindful of the rôle of education, whether it is that of academic halls or the activity of all who write or speak without acknowledging a master. Education must be at once organic and autonomous in relation to the society in which it exists. In repetitive societies, the relation is almost wholly organic. In progressive societies, by the happiest of paradoxes, education is most effectively organic when it is autonomous, the ever-flowing source of evaluation, criticism, invention.

THE THEORY OF THE STATE AS A SOVEREIGN JURISTIC PERSON*

KENNETH C. COLE

University of Washington

The casual student of Western political history encounters sovereignty in a number of guises. In the stage of absolute monarchy, it was a personal endowment of princes; in the stage of democracy, it seems to be a collective endowment of the "nation" or the "people." In the latter period, moreover, a definition of law as the command of a sovereign becomes increasingly popular.

These various contexts for sovereignty will already have suggested the protean possibilities of the general conception, but the student will have had little difficulty in sensing its generally anti-constitutional influence. Even popular sovereignty, which sounds the least dangerous, has had to be offset by opposing institutions in accounting for the relatively high constitutional morality of the democratic system.

While, therefore, it is not surprising to find sovereignty again (and in a still different guise) when we examine the leading conceptions of American public law, one well may marvel to find it accorded a key position among them. For, strange to say, the sovereignty of the *state* is widely accepted as the cornerstone of a legal edifice which the lawyers themselves appear to have laid. Absolutism of some sort seems to have been accepted by those one would expect to find least disposed to concede it. But sovereignty in the hands of the lawyers is absolute in form only. They have succeeded in concocting a doctrine which appears to concede everything to the politically mighty of the earth without clearly conceding much of anything to anyone.

In accomplishing this minor miracle, some confusion has been inevitable. In fact, the entire argument seems designed to deny in

* The writer is deeply indebted to Professor Edward S. Corwin for many suggestions in pursuing a line of inquiry of which the present article is a relatively small part. Documentation in a field as heavily fought over as "sovereignty" is likely to be both superfluous and embarrassing in a short article. One can hardly help regurgitating much that has already been adequately compiled, but he can hardly hope to credit all contributions to his own thinking. There is, however, one short but beautifully penetrating discussion to which acknowledgment must be made at all costs. That is the well known Sabine and Shepard Introduction to Krabbe's *The Modern Idea of the State* (New York, 1927).

the conclusion what has been stated in the premise without appearing to do so. We start with a profound obeisance to a supreme will which is supposed to account for all of the law, but apparently we do not have to stay on our knees, because the wielder of this absolute power turns out itself to be in some sense the creature of law, and hence no more awesome to the initiated than the genii† to Aladdin with his marvellous lamp.

If we have thus made the juristic theory sound a little like something out of the *Arabian Nights*, it is certainly not because we wish to minimize it as a mere exercise in dialectics undertaken as an exhibition of professional virtuosity. Far from it. The initial idolization of the state was to some extent forced upon the lawyers by the pressure of historical events which made it seem discreet to concede the full lawmaking potential of some political will. Moreover, despite the legally grotesque character of the concession, sovereignty has managed to acquire a certain respectability among middle-of-the-road jurists, due in large part to the far-fetched alternatives proposed by its most articulate opponents. Obviously, these are circumstances which must be inquired into more closely.

The first and clearest necessity which the critical events of the sixteenth century pointed to was that of shifting to a particularist system of maintaining order. During the Middle Ages, there had been an attempt to establish a universal order under the aegis of the Christian faith and upon the foundation of a common European tradition reaching back to the twin classical models of Greece and Rome. This order had never worked to insure the sort of peace required for development of the economic arts of trade and commerce. Sporadic violence was chronic in the entire system. When, finally, the schism within the religious community occurred, it became evident that the old order was doomed. The only alternative was to accept the dismembered parts as self-sufficient units within which to rehabilitate strong government.

The principle of sovereignty was the great ideological weapon used by the nation-states in accomplishing it. Of course there were other weapons as well. Nationalism in particular was a sentiment much played upon in the formation of these states. So was personal loyalty to certain royal houses. But sovereignty, the more abstract expression of particularism in political affairs, proved much stronger in the long run. Sovereignty, as exemplified in the various

† A corrupt spelling, but that used in current translations.

independent governments, came deliberately to create nationalism instead of building upon it; and personal loyalty to rulers gave way to loyalty to the state as an impersonal entity maintaining the entire social structure by which the individual enjoyed the good things of life.

There is a sense, therefore, in which sovereignty may be said to have provided a shelter necessary for the preservation of Western civilization after the religious wars. On the other hand, however, we must emphasize that the kind of "sovereignty" called for on this account does not by any means measure up to the pretensions of the sovereignty which actually came to be claimed by the nation-states. What each sovereign could reasonably claim as a prerequisite for effective local government was a finality of decision on all issues arising within his realm. This was because the responsibility for maintaining order could not be discharged without insulating the system of law enforcement within the state from all outside control. Hence the device of forbidding appeals from national courts to any foreign or international tribunals may be justified on this basis.

But insulation of the nation-state in the matter of law *enforcement* is a very different thing from insulation as respects law itself. The maintenance of order on a particularist basis requires that local interpretation of general law be final; it does not require a denial of the existence of a general law. If we want an explanation for this last increment of national isolation, we must look to a somewhat different aspect of nation-state building.

This process involved the use of force against other states even more prominently than it involved the use of force internally. There have been no hermit states in the modern world. Commercial contacts between states have always been maintained, and were even greatly intensified as the state system became fixed in its present pattern. The lack of a common superior has accordingly meant that war had to be contemplated as the principal business of states, and a prime factor in determining their internal organization.

War, in turn, demands mobility on the part of the successful contestant. It must be able to command the instant services of all within its borders, and it must—especially as affects international relations—be in a position to adopt and change its policies without being hampered by the necessity of justifying these changes in terms of any general or universal law. Hence a definition of law

which credits some determinate political agency with absolute and exclusive law-making authority is the ideal solution of the problem for the nation-state viewed as a war-making association.

This was not, however, the only historical pressure to which the lawyers were subjected on behalf of sovereignty. Quite apart from the growth of nationalistic particularism, other events have pointed in the same general direction. Thus the rate of social change since the Industrial Revolution has been tremendously increased. Established judicial techniques of law-declaring proved inadequate to keep the law abreast of the times. "Legislation" had to be relied upon to an ever-increasing extent, and this fact encouraged a construction of law in terms of the active policy-making will which is so prominent a feature of this method.¹

To be sure, it was not really necessary to renounce the old-fashioned conception of law in order to achieve sufficient flexibility for the purpose in hand. The legislative function *might* have been construed simply as a sphere of relatively wide rule-making discretion under a constitutional law anchored (however broadly) in precedent. But it was easier to swim with the tide of the other events already mentioned. So there was a tendency to resolve the problem of legal change by parting with the anchor instead of "playing out more rope": sovereignty was uncritically accepted as a demonstration that the fact of power automatically generates law in each disparate manifestation of will. In short, the troublesome old problem of a legal definition of authority can be side-stepped by turning to an authoritarian definition of law.

Nothing is clearer in the aftermath of this bit of legerdemain than that the Banquo's ghost of traditional law cannot be so easily laid. Yet, in accounting for the extraordinary vogue of sovereignty, it is well to bear in mind that the necessity for more and more government played an important part. Since sufficient elbow-room was not afforded government by historical judicial procedures for assuring continuity of principle, it was argued that continuity itself was outmoded. The modern state leviathan was thus given a socially plausible excuse to ignore traditional conceptions of legality by the economic dynamism of the eighteenth and nineteenth centuries.

Yet it is entirely unlikely that sovereignty could have achieved

¹ The writer here records his obligation to Dean Pound for a particularly stimulating lecture.

the standing of a thoroughly respectable doctrine in the schools of legal and political philosophy without something more than the pressure of historical events. And the fact is that it did become a respectable doctrine—due largely, as was said above, to the mistakes of its most prominent opponents. The latter, in attacking sovereignty on behalf of a variety of interests, have usually either overlooked the truly vulnerable aspect of the doctrine or proposed palpably unacceptable alternatives. More important, they have often added many to the ranks of the defenders who should never have been there.

The ultra-conservative “right-wing” attack on sovereignty has been peculiarly inept considering the practicality of the modern age. The members of this group have persisted in identifying law with rules which are abstractly right or just. This is substantially the old natural law position—almost bound to represent a lost cause in the face of modern empiricism which definitely discourages reliance upon the ideal in the definition of anything as “fact.” Over against such an approach, the defender of sovereignty has accordingly had a ridiculously easy victory. He merely insists that he is distinguishing “what is” from what “ought to be” when he employs a postulated sovereign will as the mark of the former in matters of law.

Of course natural law is not the only (or even the proper) recourse for those conservatives who want to take account of the affinity between law and morals. The institutionalization of law may be recognized, not in a body of rules guaranteed to be right in themselves, but in certain characteristic procedures providing an appropriate setting for the determination of just rules. This is the line proper for moderate conservatives or traditionalists in jurisprudence; but it is a line much more distinctly traced in the practices and attitudes of lawyers than in their theory. Indeed, in the matter of theory, the traditionalists have been notoriously weak—another reason, incidentally, why sovereignty has been enabled to gain a “foothold” in their thinking.

So much, then, for the manner in which the conservatives have handled (or mishandled) the issue of sovereignty. The various left-wing attacks on the doctrine are more interesting. They all accept the empirical hypothesis with a vengeance, since their basic criticism of sovereignty is precisely that it does not sufficiently exclude the ideal in the definition of law.

The prevailing socialist view of the state rejects sovereignty as a spurious attempt to identify law with a national or universal will, whereas (it holds) both law and the state are merely instruments of the exploiting class. Thus, while the socialists recognize the arbitrariness of sovereignty clearly enough, they see no way of reclaiming law from this arbitrariness short of the millennium of the classless society. In the meantime, the best that they can suggest is the substitution of one kind of arbitrariness for another. The dictatorship of the proletariat is to take the place of the *bourgeois* legal order,² and, as between the avowed arbitrariness of dictatorship and the (at least disguised) arbitrariness of sovereignty, who can blame the constitutionalist for choosing the latter?

The so-called pluralists cannot be characterized as readily as the socialists because they do not constitute a sect. In the main, however, their attack on sovereignty has been in behalf of corporate groups within the state which are regarded as fulfilling social functions coördinate with those served by the latter. They deny, accordingly, that the existence of churches and trade unions (to mention only two prominent examples of such associations) is contingent on the will of the state as the theory of sovereignty seems to require.

There is much to be said for the pluralist point of view. The state institution or association is certainly not entitled to claim any such moral superiority over other groups as is assumed by the idealist philosophers, for example. But the pluralists have not generally distinguished between reducing the state to the level of other associations in the community and reducing the law of the state to the level of a competing system along with the "laws" of other groups. Hence, in eliminating sovereignty they leave us with no legal basis for coördinating the activities of all groups—a situation which undermines the basis for maintaining ordered relationships within our present national communities.³

Here again, the ineptitude of the attack on sovereignty has brought many to its defense who would not otherwise have taken the field. The answer to pluralism is monism; and all monism has to stand for to constitute an effective answer is the necessity for

² Rudolph Schlesinger, *Soviet Legal Theory* (New York, 1945), pp. 32, 33, mentions the confusion in Soviet jurisprudence on this point.

³ Cf. Paul Ward, *Sovereignty* (London, 1928), pp. 82–124. The author, however, goes on to discuss Duguit as a pluralist, which is a common error.

p15164

some integrating, unifying principle in the legal community—some judicial organ entitled to determine the competence of all other organs. Monists, therefore, while frequently classified as defenders of state sovereignty, may actually be defending it only as the symbol for order, logic, symmetry in legal arrangement—a far cry from the arbitrariness of decision which recognition of will as the symbol for law invites.

Sovereignty has been attacked also from still a different angle by jurists employing the sociological approach. The sociological approach to law represents an attempt to define the legal order as essentially non-normative, i.e., as a system of scientifically verifiable conclusions derived from an objective survey of social needs or "interests." Sovereignty, of course, stands most conspicuously in the way of any such construction of law because the sovereign is supposed to create law "out of thin air," as it were, by the unilateral imposition of his supreme will on the subordinate wills of his subjects.

Now the sociological approach has the great merit of disclosing the vicious subjectivity of any theory of law which looks to the content of determinate wills for its basic rules. Its equally great defect, however, lies in the assumption that the only way to get away from this bad subjectivity is to turn to the physical sciences as the appropriate model for juristic science. Thus the sociological jurist wants the judge to derive his rules for human conduct from observation of the facts in the same way that the laboratory technician formulates scientific laws. All of which means that the kind of objectivity appropriate to the physical sciences is being assigned to the moral sciences—under the illusion, no doubt, that the legal order can be turned into an extensive project of "social engineering."

Unfortunately for such "scientists," it has not been difficult to demonstrate that this optimism is simply naïve. Legal rules are not like scientific conclusions, nor are judges properly social engineers. Somehow choices, oughts, values, are registered in the law, and if these are not in the facts which the judge takes as his materials for decision, he must put them in himself. The sociological jurist may deplore any recognition of this element as metaphysical, but the metaphysic he refuses admission at the front door is always surreptitiously introduced at the back door.⁴ This inevitably puts the

⁴ This is the point, if not the exact language, of Harold Laski in his introduction to Leon Duguit, *Law in the Modern State* (New York, 1919), p. xxvii.

orthodox defender of sovereignty in a relatively favorable position: he can at least say that he does not mask the realities of the situation behind a façade of science. So law as the command of the sovereign has not suffered unduly at the hands of the sociologist.

Then there is another, and more sophisticated, application of scientific method to the problem of law which must be considered. The legal realists do not make the mistake of identifying the legal order with scientific principles of social engineering. They err in the opposite direction by reducing the legal order to the positively conditioned behavior of judges. This position derives by degrees from one aspect of Austin's emphasis upon enforceability as the test of law. His principal thesis, no doubt, is that the over-all enforceability of the rules prescribed by a given political superior confers a title to authority upon him which lawyers must use in assigning a uniform validity to *all* his commands. But he also defines legal obligation in terms of the actual or factual liability of the individual subject of law to some sanction in the event of disobedience. This opens up the possibility of defining law as what happens instead of what ought to happen according to formal rules. Law has now become a reflex of an environment which includes such things as the state of the judicial digestion as well as (and perhaps even more prominently than) the verbalizations of the law books. In this view, of course, sovereignty becomes a completely empty proposition, because no generalizations (least of all those in which legislative commands are couched) can be rationally responsible for the law.

On the other hand, it would be hard to imagine a more striking example of "throwing the baby out with the bath," since there is really no law left when the realists finish insulating it from the sovereign.⁵ Only a mass of disconnected judgments, variously induced in a multitude of magistrates by processes which only psychoanalysts can trace, remains of an edifice which even the advocates of sovereignty left with a kind of integrity based on the assumption that the content of the sovereign will could have some universal meaning for the judges.

Considering the futility of these various attacks on sovereignty, it can be understood why most lawyers have felt committed to the doctrine even though uncomfortably aware of some of its anomalies. They were aware, for example, that the doctrine in the hands of

⁵ Benjamin Cardozo makes this point very neatly in *The Nature of the Judicial Process* (New Haven, 1921), p. 126. See also Felix Cohen, *Ethical Systems and Legal Ideals* (Camden, 1933), pp. 230-249, for a good technical appraisal.

John Austin had two outstanding defects. In the first place, it could not be applied universally because a single organ of government was not everywhere in a position to remake the law at will. In the second place, they felt that the definition of law as commands, imposed by some flesh and blood individual or group of individuals upon everyone else, was far too crude an expression of the part played by coercion in the legal order.

So the juristic theory of the state⁶ proposed to remedy these defects by vesting sovereignty in the whole state instead of in a single organ of government, and by construing the state as an abstract impersonal entity entirely distinct from any flesh and blood individuals who might from time to time act for it. The state, in short, is a purely juristic person capable of acting only through agents or representatives.

Now it will be obvious at once that this conception has only formal significance as applied to countries like Britain where the supreme legal authority of one organ of government is recognized. Of course, we may say, if we like, that Parliament is only an agent of the sovereign British state instead of being (as Austin maintained) itself sovereign. But if we assume (as the juristic theory has to assume) that this agent is entitled to invoke the name of the state for anything it does, the distinction is without substantial difference. As much arbitrariness would be implicit in the state's sovereignty as in any other kind of sovereignty.

We turn, therefore, to the application of the juristic theory to those situations where legal authority is not concentrated in any one organ or agency. Here the theory postulates that the conditions of agency are determined by "the law" instead of by the agent. In other words, it is not simply the fact that a designated agent has acted in the name of the state which warrants us in assuming that the will of the state is being expressed. He must have acted in accordance with certain rules which set real limits or bounds to his authority. And the question, therefore, becomes: Whence comes this highly important law?

The sovereign, of course, cannot be relied upon for much help at

⁶ The indebtedness of W. W. Willoughby to Laband and Jellinek is nowhere more clearly expressed than by Willoughby himself. But since the latter's application of the theory to American public law instances its most prominent "working," what follows turns directly on *The Fundamental Concepts of Public Law* (New York, 1924).

this point. Strictly speaking, we cannot even identify the sovereign until we have the rules in question, because it is only the kind of acts which are specified in the rules that can be attributed to him. And it would be even more incongruous to credit the (as yet unidentified, and in any event, completely abstract) sovereign with the capacity to make and unmake agents and their powers after the fashion of a flesh and blood ruler.

The juristic theory (sad to say) never does get around the first objection. But it makes a valiant effort to answer the second by recourse to the analogy of the corporation. The corporation, as an institution of private law, is usually described as a juristic person whose title to existence is conferred upon it by the state in the form of a charter setting forth the purposes for which it was created, the method of designating its officers or agents, and the extent of their various powers. Only if agents are selected in the manner prescribed by the charter, and only if they act within the powers assigned to them, are their acts recognized by the courts as expressing the will of the corporation.

When the state is regarded as a corporation, to be sure, its charter must be regarded as either a spontaneous crystallization of the naked power relations in the community or an equally spontaneous manifestation of the Divine Spirit. But, however vague and fanciful its explanation for the genesis of the state as corporation, the theory does avoid the even more fanciful notion that the abstract will of the corporation can alter the course of its own existence. It simply holds that the charter embraces the whole life potentiality of the state as of the corporation. No change is possible in any fundamental sense because the terms of the charter are conclusive as to both the method and content of whatever deviation from the initial course is legally possible.

In commenting on this "state as corporation" version of sovereignty, we must first note that the possibility of its fruitful application is opened up only where and when written constitutions like our own have been adopted. But where this has been done, the theory undoubtedly has a certain plausibility. The constitution becomes the charter of the state-corporation which fixes the basic conditions for the exercise of all legal power. The courts enforce its provisions, applying the corporation doctrine of *ultra vires*, with the result that they need recognize no act as official in the slightest degree if either the title of the actor, or the nature of the particular

act, fails to coincide with a judicial reading of constitutional provisions. A remarkable degree of judicial control may thus be attained while paying at least lip service to the principle of sovereignty.

We may not infer that this has been accomplished—even in times of relative social stability—without considerable strain on the dialectics of constitutional law. But these (for our present purposes minor) defects may be put to one side in order to concentrate on the main issue. At the moment, we are concerned to emphasize again that the theory is totally incapable of accounting for fundamental legal change. And this is the more distressing because, as a theory of sovereignty, it is supposed to supply us with some definite authority capable of moving the law whither its will listeth.

When the question is on amendment of the constitution, therefore, advocates of the theory are bound to flounder most painfully. They intensely dislike to confess that no existing agency, organ, or procedure under the constitution can be legally capable of breaking its bonds. On the other hand, it is equally evident that no one can do anything (even quasi-officially) in a legal order which is regarded as a mere projection of a supreme will other than what that will has decreed in its first and last testament.

Naturally, this dilemma is purely academic so long as the constitution *happens* to provide for a process of amendment, which *happens* to be unqualified in scope, and which process *happens* to remain tolerably satisfactory to the politically self-conscious elements in the community. But all these circumstances must occur if the theory is to prove viable. When they do not, constitutional exegesis is without guide posts.

As a matter of *fact*, most of the expositors of a constitutional theory based on the juristic-person idea have been disposed to indulge the sovereignty implications of their hypothesis at the expense of its apparatus of corporate personality. Instead of continuing to view the state as corporation, they look for the state as creator of the corporation. In other words, "state" must now be translated into concrete terms. It becomes a synonym for the "people," or the individual authors of the constitution, or, perhaps, the political organ of which the authors of the document were members when the constitution was put in force.

The first of these possibilities is probably the least satisfactory from the standpoint of the lawyer. Nothing whatever can be made

out of a popular will as a dynamic contributor to law without assuming very elaborate rules of organization. The "people" are certainly less able to constitute anything, without first being constituted by something, than any other collective entity we can think of. So the fact that the framers of the document may have presumed to speak in the name of the people is of precious little significance in designating a sovereign.

Let us turn, then, to the authors of the constitution themselves. Are they to be regarded as sovereign? Presumably not (at least for purposes of amending the document), for they can hardly avoid the vicissitudes of old age and death. Metaphorical references to the "Fathers" of the constitution are quite clearly irrelevant for law at this point.

On the whole, therefore, the most attractive stop-gap candidate for sovereignty of those mentioned above is the third, i.e., the *organ* originally employed to draft the constitution. This combines the idea of authorship of the authoritative document with continuing existence as an institution. And when, as in the United States, the actual framing of constitutions has frequently been entrusted to assemblages called constitutional conventions, the idea has a peculiar attractiveness. We therefore often do find some significant conclusions drawn from such a premise. For example, it is sometimes asserted that a constitutional convention, once assembled, is in fact sovereign and may thereupon amend the existing constitution out of all recognition. Its predecessor made the constitution by legislative act, and, since no sovereign will may bind itself, an entirely new dispensation may be forthcoming in this fashion.

But a constitutional convention is not really a very convincing candidate for sovereignty either. It assembles only on special call by some other organ of government. Moreover, both the agency which convokes conventions and the conventions themselves have pretty generally regarded the finished product as subject to popular ratification. Accordingly, the attribution of sovereignty to a constitutional convention in our public law is really much more equivocal than the attribution of sovereignty to Parliament in the law of England. Indeed, refugees from the juristic theory should have known better than to try Austin's formula on the American situation, for the complexities of that situation furnished one of the principal inducements to abandon Austin in favor of the juristic theory.

As illustrated in American legal literature, therefore, this last-minute scramble to locate some sovereign will capable of amending the constitution without regard to its terms has not been particularly edifying. Nor have less ambitious efforts to graft provisos upon the written word of the documentary sovereign been any more convincing. A great deal of learning has been wasted, for example, on the question whether the will of the sovereign may be made consistent with the use of a process of amendment which he did not specify, or the use of a different one than he specified, or even the use of a specified process to do something expressly excluded in the grant of the amending power.

Actually, of course, it is simply fatuous to try to make the hypothesized will of a sovereign incorporate a license to over-reach that will in any respect. It is far better to recognize frankly that there is no will to which we can appeal at this point. The question is really whether the living custom of the constitution, as ingested by the common law, is consistent with as much variation upon the methods laid down in the document as is proposed. Constitutional change involves a *process* which gains nothing by being referred to the will of anyone. And this conclusion—which we have come to after having run the juristic theory to the ground as it were—suggests some parting observations on the pretensions of all theories of sovereignty.

Stripped to its bare essentials, the exercise of power must always be considered from the standpoint of law as the exercise of a right by some entity defined by law. If this entity is a single human being, the rules defining his legal personality are very simple. It suffices usually to name him, whereupon the extent of his rights becomes the practical measure of the relative importance of law and will in the exercise of power. It is conceivable, moreover, that the authority given him by law may be unlimited—even to the point of determining his own successor, and without any special stipulations as to how his will is to be evidenced. This would amount to a practical abdication of law in favor of will and explains why the latter should, under such extreme circumstances, be accepted as a substitute for the former.

But it does not explain why, under conditions far removed from personal absolutism, lawyers should ever have accepted will as a substitute for law—as in the various modern theories of sovereignty. Why should they, in fact, have conceded that Austin's definition

of law derived any support from democratic conditions—even where, as in England, one organ of government is of paramount importance?

One answer to this is fairly clear. Decisions of such far-reaching effect as were ever made by the most nearly absolute monarch are now frequently reached in and through an organ of government like the British Parliament. It is a convenient figure of speech to say that such an organ is exercising legally absolute authority. Ergo, the law is simply recognizing a different legal person (and will) as supreme than it did in the case of unlimited monarchy.

It would seem, however, that lawyers should have no excuse for regarding this as more than a metaphor. For (except where the influence of the juristic theory has been felt) the law is careful *not* to assign a legal personality to the collective entities called parliaments or congresses. Technically speaking, therefore, they do not exercise any legal authority whatever. Legal authority is being exercised in very small increments by a large number of natural persons as they collaborate in a legally defined process of reaching decisions which the courts accept as conclusive. From this point of view, accordingly, the supremacy of an organ of government which has no separate legal personality should never be translated into the supremacy of any will.

But it is at this point that Austin manages to confuse the issue. He assumed for his sovereign an essentially non-legal personality. Any sociological entity which could be identified as exerting effective force or power in the community could also be treated as supreme for law. The sovereign is above the law, not in the law. He has neither legal rights nor legal duties. Hence no legal personality need be assigned him.

The technical fallacy in this conceptualization is easy to point out: Austin's sovereign is as much in need of accepted marks of identification for law as any of his subjects. He does not make himself intelligible *to* the law from above, as it were, any more automatically than they make themselves intelligible *in* the law from below. Rules of law must be equally presupposed in both cases identifying the actors in the legal drama. The fact that no specific legal personality is assigned an entity must mean that it can have no capacity to determine any legal relations.

Austin's insistence, then, that the sovereign needs no legal personality in the same sense in which the subject needs a legal person-



ality is the entering wedge for a specious defense of the modern doctrine of sovereignty. Once given this point, the advocate can use many cases in which the law recognizes the finality of a defined process of decision as evidence that will is its foundation as well under democratic conditions as under autocratic conditions. Certainly no such inference should be drawn. The Austinian manipulation of legal personality is thoroughly corrupt, and we must not allow it to obscure the fact that law, in the shape of a complex of highly significant procedural rules, always bulks sufficiently large in the democratic *milieu* to distinguish this situation radically from personal dictatorship. Sovereignty is progressively more and more absurd as the rules which must be presupposed in order to identify the sovereign become more complex.

There are, to be sure, various other ways of encouraging arbitrariness in government than the conceptualizations of the Austrians and the neo-Austrians. Indeed, these conceptualizations do not operate uniformly to this end, nor are they necessarily more effective than certain others. It is clear, for example, that the neo-Austinian device of the juristic theory (to which most of the foregoing discussion has been devoted) may even operate "in reverse," as it were, by clamping a much more rigid vise on political experimentation than the method of the common law. Yet there is an unpredictable explosiveness inherent in even the caged sovereign will of the state which makes it a highly dubious medium for the legal institution—even if it would not have suited Hitler.

Austin's unglossed teaching comes considerably closer to the specifications for dictatorship, yet it is significant that apologists for the Third Reich were not satisfied with the postulate of a factually dominant will. They drew heavily on the mystic general will of Rousseau—minus the mechanics of the electoral process—to endow the Leader with a title to absolute power.

Again, it is far from clear that the will symbolism for law (however formulated) is the only constitutionally vicious influence to be guarded against. Those modern positivists who have turned to the model of the natural sciences for their construction of law are in the vanguard of a movement which is palpably enervating from the standpoint of constitutional ethics. And the Vienna School, intent on establishing a *tertium quid* for law which will emancipate it from both the physical and the moral sciences, is scarcely less enervating, although this is not the place to pursue that argument farther.

When all is said and done, however, it is the will symbolism in one or other of its orthodox sovereignty versions which still requires our most vigilant housekeeping attention. This is the reason for concentrating on the concrete organ and the abstract state as candidates for that mythical political god-head in which power becomes *de jure* without benefit of law. And we ought to note in closing, no doubt, the ultimate dependence of all imperative theories of law upon the metaphysics of revealed religion—a model, however, which the secular institution should be under no obligation to follow. Certainly it need not follow for want of a substitute symbolism. “Reason” is universal by definition, and if we want to emphasize the transcendent quality of the values in the legal order, reason is a far safer symbol than will—no matter how mystic a personality is invoked as its *träger*. And if we want to emphasize those values realized in the satisfaction of mundane “wants” or “interests,” we have only to rescue “custom” from the close embrace of the positivists in order to convey a sense of the gradual absorption of these values into the corpus of the law without in any way suggesting a deterministic bias. And if we want to emphasize both of these features of the legal order, there is always Coke’s “artificial reason of the law,” which does not suffer unduly by comparison with more “enlightened” formulæ of modern legal science.

TEN YEARS OF THE SUPREME COURT: 1937-1947*

IV. DUE PROCESS OF LAW

ROBERT J. HARRIS

Louisiana State University

The disintegration of due process of law was somewhat advanced prior to October, 1937, as a result of judicial reversals of opinions on price-fixing and minimum wage legislation.¹ As the process of transformation continued, it took four major forms. They were: (1) the withdrawal of substantive due process as a limitation on social legislation, taxation, rate-making, and regulatory action generally; (2) an expansion of substantive due process in cases involving freedom of expression, assembly, and religion, including rights of labor through the application of new concepts of freedom of speech;² (3) the curtailment of procedural due process as a limit on administrative action except in cases involving the deportation of aliens; and (4) the use of procedural due process in such a way as to provide greater protection on the whole to persons accused of crime. This transformation has been accompanied by changed assumptions which accommodate governmental activity.

Thus, on the assumption that so long as one is free to possess the fruits of agricultural production there is no denial of due process of law, the Court has sustained rigid restrictions on the marketing of agricultural products even when retroactively imposed³ and when the quotas were so applied as to include the wheat produced by a farmer for his domestic consumption.⁴ On a further assumption that since Congress has the power to decide the issue of the advantages and disadvantages of holding companies, the Court not only sustained the Public Utility Holding Company Act, but in so doing asserted that the judiciary could not question the propriety of Congress' decision.⁵ Strict application of the principles that the Court is not concerned with the wisdom of legislation or the need for

* Part II of a symposium begun in the December, 1947, issue (pp. 1142-1181).

¹ *Nebbia v. New York*, 291 U. S. 502 (1934); *West Coast Hotel Co. v. Parrish*, 300 U. S. 379 (1937).

² This phase of due process is treated in the portion of this symposium dealing with civil liberties. See pp. 42-52 below.

³ *Mulford v. Smith*, 307 U. S. 38 (1939).

⁴ *Wickard v. Filburn*, 317 U. S. 111 (1942). See also *United States v. Rock Royal Cooperative*, 307 U. S. 533 (1939). With the Tenth Amendment out as a limitation on federal power, the Court has been forced to consider national legislation within the context of substantive due process. No national legislation has been invalidated on this ground since 1936.

⁵ *North American Co. v. Securities Exchange Commission*, 327 U. S. 686, 710 (1946).

it, and that the police power is one of the least limitable of governmental powers, which often impairs property rights, has contributed to further emaciation of substantive due process.⁶

The passing of substantive due process is more amply illustrated in *Railroad Commission v. Rowan and Nichols Oil Company*.⁷ Over three dissents, the Court sustained an order of the Texas railroad commission allocating oil quotas on the basis of the hourly capacity of the well, with a minimum of twenty barrels to any well regardless of capacity. The majority asserted that in controversies such as this, "courts must not substitute their notions of expediency and fairness for those which have guided the agencies to whom the formulation and execution of policy have been entrusted."⁸ Whether a system of proration based on hourly potential is as fair as one based on estimated recoverable reserves is "a question for administrative and not judicial judgment."⁹

Justice Frankfurter's comment on the nature of the contentions of rival interests and the rôle of the courts is interesting. "Certainly in a domain of knowledge still shifting and growing, and in a field where judgment is therefore necessarily beset by the necessity of inferences bordering on conjecture even for those learned in the art, it would be presumptuous for courts, on the basis of conflicting expert testimony to deem the view of the administrative tribunal, acting under legislative authority, offensive to the Fourteenth Amendment."¹⁰ The record, he indicated, was "redolent with familiar dogmatic assertions by experts equally confident of contradictory contentions."¹¹ These arguments he climaxed with the conclusion that "it is not for the federal courts to supplant the Commission's judgment even in the face of convincing proof that a different result would have been better."¹²

In a second opinion disposing of this case, Justice Frankfurter contended that "the Due Process Clause does not require the feel of the expert to be supplanted by an independent view of judges on the conflicting testimony and prophecies and impressions of witnesses." Nor was the Fourteenth Amendment designed to provide that federal courts "strike a balance between ascertainable facts and dubious inferences underlying such a complicated and elusive situation" as presented in the Texas oil fields or to give powers to federal courts "plainly outside their province and no less plainly beyond their special competence."¹³

⁶ See *Queenside Hills Realty Co. v. Saxl*, 328 U. S. 80, 83 (1946).

⁷ 310 U. S. 573 (1940); 311 U. S. 570 (1941).

⁸ 310 U. S. 573, 581. ⁹ *Ibid.*, 581.

¹⁰ *Ibid.*, 581-582.

¹¹ *Ibid.*, 583.

¹² *Ibid.*, 584.

¹³ 311 U. S. 570, 576-577. The dissenters in both cases preferred adherence to *Thompson v. Consolidated Gas Utilities Corporation*, 300 U. S. 55 (1937), which, they correctly said, was contrary to these decisions. 310 U. S. 573, 584-585.

Two cases decided in 1942 and 1944 made decided inroads on the principle that a public utility is entitled to a fair return on a fair valuation and completely overturned the rate-making formula laid down in *Smyth v. Ames*,¹⁴ long under the attack of dissenting judges. In *Federal Power Commission v. Natural Gas Pipeline Company of America*,¹⁵ the Court, in sustaining a rate order of the Federal Power Commission, said: "The Constitution does not bind rate-making bodies to the service of any single formula or combination of formulas. Agencies to whom this power has been delegated are free, within the ambit of their statutory authority, to make the pragmatic adjustments which may be called for by particular circumstances. Once a fair hearing has been given, proper findings made, and other statutory requirements satisfied, the courts cannot intervene in the absence of a clear showing that the limits of the due process clause have been overstepped. If the Commission's order, as applied to the facts before it and viewed in its entirety, produces no arbitrary result, our inquiry is at an end."¹⁶ Though Justices Black, Douglas, and Murphy concurred in the result, they contended that *Smyth v. Ames* should be directly overruled.

Their views became those of the majority in *Federal Power Commission v. Hope Natural Gas Company*,¹⁷ where it was held that the statutory test of "just and reasonable" was controlled by "the result reached, not the method employed" in reaching it. "It is not theory," said Justice Douglas, "but the impact of the rate order which counts. If the total effect of the rate order cannot be said to be unjust and unreasonable, judicial inquiry under the Act is at an end. The fact that the method employed to reach that result may contain infirmities is not then important."¹⁸ In addition to overruling *Smyth v. Ames*, this decision also reversed the *Baltimore Street Railway* case¹⁹ in express terms. Although Justices Reed, Frankfurter, and Jackson filed separate dissents, all agreed in rejecting the criteria of *Smyth v. Ames*. Justice Frankfurter, however, continued to advance the view that finality in rate-making is a judicial function,²⁰ a contention which Justice Black dismissed as a "wholly gratuitous assertion as to constitutional law."²¹

Another phase of substantive due process of law to meet reversal is the rule laid down in *First National Bank v. Maine*²² governing double taxa-

¹⁴ 169 U. S. 466 (1898). ¹⁵ 315 U. S. 575 (1942).

¹⁶ *Ibid.*, 589.

¹⁷ 320 U. S. 591 (1944).

¹⁸ *Ibid.*, 602.

¹⁹ *United Railways and Electric Co. v. West*, 280 U. S. 234, 253-259 (1930); 310 U. S. 606-607. The Hope case makes a constitutional statute the controlling influence in rate-making. For example, Justice Douglas says: "Since there are no constitutional requirements more exacting than the standards of the Act, a rate order which conforms to the latter does not run afoul of the former."

²⁰ 320 U. S. 625.

²¹ *Ibid.*, 619.

²² 284 U. S. 312 (1932).

tion of intangibles by the states. In a number of cases, the Court refused to extend this rule and made distinctions which in effect reversed it.²³ Then in 1942 it expressly overruled the First National case by sustaining the power of Utah to tax shares of stock in the Union Pacific Railroad, held by the estate of Edward S. Harkness, a resident of New York, on the ground that as a Utah corporation, the Union Pacific owed its existence to the state which simultaneously protected its shareholders. "In case of shares of stock," said Justice Douglas for the Court over two dissents, " 'jurisdiction' to tax is not restricted to the domiciliary State. Another State which has extended benefits or protection or which can demonstrate 'the practical fact of its power' or sovereignty as respects the shares . . . may likewise constitutionally make its exaction."²⁴ Thus *Blackstone v. Miller*,²⁵ after having been reversed since 1932, returned as good law. Similar doctrines of jurisdiction to tax have been employed to sustain a Wisconsin tax on dividends passed by foreign corporations on business done within the state, although the tax was contingent on events brought to pass outside the state;²⁶ a Rhode Island inheritance tax on one-half the value of a trust holding intangibles in New York set up by a New York resident on the ground that one of the two trustees was a resident of Rhode Island;²⁷ and a Minnesota tax on all planes of a Minnesota corporation which had its home port in St. Paul, to which all its planes came sometime during the year.²⁸

Alongside the *Greenough* case, which extends the fiction of state protection to the maximum, should be placed *Osborn v. Ozlin*,²⁹ which sustained a Virginia statute forbidding the issuance of insurance contracts except through registered agents upon the signature of a resident broker who could receive as much as fifty per cent of the commission for signing his name. It was not of judicial significance, Justice Frankfurter said, that the action of Virginia might have repercussions beyond state lines so long as it was not otherwise invalid, and it was equally immaterial that it might run counter to the economic theories of Adam Smith or John Maynard

²³ *Curry v. McCannless*, 307 U. S. 357 (1939); *Graves v. Elliott*, 307 U. S. 383 (1939); *Graves v. Schmicklapp*, 315 U. S. 657 (1942), reversing *Wachovia Bank and Trust Co. v. Doughton*, 272 U. S. 567 (1926).

²⁴ *State Tax Commission v. Aldrich*, 316 U. S. 174, 181-182.

²⁵ 188 U. S. 189 (1903).

²⁶ *Wisconsin v. J. C. Penney Co.*, 311 U. S. 435 (1941).

²⁷ *Greenough v. Tax Assessors of City of Newport*, 91 Law. Ed. Adv. Ops. 1274 (1947).

²⁸ *Northwest Airlines v. Minnesota*, 322 U. S. 292 (1943). The tax was sustained even though the company had paid taxes on some portion of its fleet to other states, but the question of the validity of taxation in other states was held not to be before the Court.

²⁹ 310 U. S. 53 (1940).

Keynes, or that it might ultimately prove mischievous.³⁰ Since the state could preempt the insurance business for itself, it could stop short of this step "by insisting that its residents shall have a share in devising and safeguarding protection against local hazards."³¹ The majority made a faint effort to distinguish *Allgeyer v. Louisiana*,³² but hastily referred to doubts previously cast upon it.

One other tax case is notable in that it virtually overrules *Great Northern Railway Company v. Weeks*³³ to the effect that tax assessments to meet the requirements of due process could be made only after consideration of changes in economic values. In sustaining an assessment of railway properties over the objections that adverse economic factors had greatly reduced their worth, Justice Douglas declared realistically that railroads are not objects of exchange and the notion of full cash value for them is artificial. The *Weeks* case, he indicated, was the only case to the contrary, was decided by a sharply divided Court, and must have rested on considerations peculiar to its own facts.³⁴

Various activities of government during World War II evaded the restraints of substantive and procedural due process. Although the Court reiterated in pious solemnity the fiction that the Constitution applies in war as in peace, it did worse than make the war power extra-constitutional by distorting the Constitution to sustain military excesses seriously impairing fundamental liberties. Although the Japanese curfew order was unanimously sustained as being no denial of due process of law, Chief Justice Stone intimated that the racial distinctions of the order would have transcended the due process clause but for the dangers of war and threatened invasion, in language strong enough to have deterred less power-bent militarists and less fanatic native sons than those in California, and certainly in terms strong enough to warrant judicial rebuke of more drastic action.³⁵

However, in *Korematsu v. United States*,³⁶ the Court sustained the order of the Western Command compelling the evacuation of the Nisei from a designated military area as of the time it was made because of a "direct emergency" and because the "power to protect must be commensurate with danger."³⁷ Justice Black, who spoke for the majority, sedulously neglected due process, but Justices Roberts, Murphy, and Jackson, in separate dissents, attacked this phase of the opinion. Justice Murphy denounced the order as "one of the most sweeping and complete

³⁰ *Ibid.*, 63.

³¹ *Ibid.*, 66.

³² 165 U. S. 578 (1897).

³³ 297 U. S. 135 (1936).

³⁴ *N. C. and St. L. Ry. Co. v. Browning*, 310 U. S. 362 (1940).

³⁵ *Hirabayashi v. United States*, 320 U. S. 81, 100, 101 (1943).

³⁶ 323 U. S. 214 (1945).

³⁷ *Ibid.*, 220.

deprivations of constitutional rights in the history of this nation in the absence of martial law."³⁸

Justice Jackson indicated that military orders, though having authority, might "be very bad as constitutional law" and protested the distortion of the Constitution "to approve all that the military may deem expedient."³⁹ In the *Yamashita* case,⁴⁰ a majority of the Court, speaking through Chief Justice Stone, held that the extent of the power to punish violations of the law of war before the declaration of peace "rests, not with the courts, but with the political branch of the Government," to be governed by armistice or treaty terms.⁴¹ The ruling of the military commission on evidence and its mode of conducting the proceedings were held not reviewable by courts, and hence it was "unnecessary to consider what, in other situations, the Fifth Amendment might require, and as to that, no intimation one way or the other is to be implied."⁴²

Wartime price controls presented questions of substantive and procedural due process. The substantive questions were disposed of rather easily on the basis of war exigencies and the lazy man's argument that after all no one was compelled to sell anything.⁴³ With respect to rent controls, the judicial attitude was that since the nation can demand the lives of men and women in waging war, it is "under no constitutional necessity of providing a system of price control on the domestic front which will assure each landlord a 'fair return' on his property."⁴⁴

More serious questions were presented by the singular appellate procedure prescribed in the Emergency Price Control Act, which provided for separate and split proceedings. The validity of the act and regulations in pursuance thereof could be tested only in a specially created Emergency Court of Appeals, but the regularly constituted federal courts were vested with jurisdiction to enforce the act in civil and criminal actions brought before them. However, in assuming jurisdiction of these cases, the federal courts were denied the judicial power, as distinguished from jurisdiction, of deciding the validity of price regulations or orders. In addition to questions of procedural due process, these provisions raised even more serious questions concerning the separation of powers and "the judicial power of the United States" as defined in Article III.

These questions were not satisfactorily answered in Chief Justice

³⁸ *Ibid.*, 235.

³⁹ *Ibid.*, 244. For an excellent analysis of the war power, see Edward S. Corwin, *Total War and the Constitution* (New York, 1946).

⁴⁰ 327 U. S. 1 (1946). ⁴¹ 327 U. S. 1, 13.

⁴² *Ibid.*, 23. See the dissents of Justices Murphy and Rutledge, pp. 26-28 and 79, respectively.

⁴³ *Yakus v. United States*, 321 U. S. 414, 437-438 (1944).

⁴⁴ *Bowles v. Willingham*, 321 U. S. 503, 519 (1944).

Stone's opinion of the majority in *Yakus v. United States*.⁴⁵ In a criminal prosecution for violation of price regulations, it was held that the invalidity of the regulations could not be raised as a defense of their violation. Confinement of review to one court was held no denial of due process so long as it afforded to those affected an opportunity "to be heard and present evidence."⁴⁶ Since petitioners failed to avail themselves of the administrative remedy, they were in no position to plead lack of due process in view of the adequacy of the special procedure required by due process to protect private rights.⁴⁷ Questions concerning the distribution of governmental powers and the nature of the judicial power were cavalierly dismissed as presenting "no novel constitutional issue."⁴⁸ To counter some of the most effective criticism of the dissenters, the Court left open the questions of whether one charged with a criminal violation could raise the defense of invalidity if the order was invalid on its face, or whether one convicted while diligently pursuing the prescribed procedure could be deprived of the defense that the regulation was invalid.⁴⁹ That such questions could be left open is ample testimony not only to the plenitude, but to the extraconstitutional nature, of the war power. Justice Roberts' designation of court review under such a procedure as "a solemn farce"⁵⁰ was not inappropriate. In its holding that essential elements may be withdrawn from the judicial power, and that a person can be convicted for violation of a law while being deprived of an opportunity to raise the defense of unconstitutionality, the Court collides with every decision dealing with that subject from *Murray's Lessee v. Hoboken Land and Improvement Co.*⁵¹ to *Crowell v. Benson*.⁵²

Other phases of procedural due process from 1937 to 1947 raised less delicate issues than the *Yakus* case. With few exceptions, the cases arising within this category establish a cumulative relaxation of the procedural safeguards which in the past not only restricted but obstructed administrative action and manifest a greater solicitude for persons accused of crime. Although the beginning of the decade was marked by a judicial attitude extremely hostile to administrative action, on the apparent assumption that courts, and only courts, could render substantial justice in cases involving legal rights, and that courts alone of government agencies were immune to the sordid influences besetting administrators and legislators,⁵³ the keynote of the decade was struck by Justice Stone in the fourth installment of *United States v. Morgan*.⁵⁴ Speaking of the guiding prin-

⁴⁵ 321 U. S. 414.

⁴⁶ *Ibid.*, 433.

⁴⁷ *Ibid.*, 434-435.

⁴⁸ *Ibid.*, 444.

⁴⁹ *Ibid.*, 446-447.

⁵⁰ *Ibid.*, 458. See especially Justice Rutledge's dissent at pp. 472-473, 483.

⁵¹ 18 How. 272 (1855).

⁵² 285 U. S. 22 (1932).

⁵³ See, for example, the opinion of Chief Justice Hughes in *Morgan v. United States*, 304 U. S. 1 (1938).

⁵⁴ 307 U. S. 183 (1939).

ciples of judicial review of administrative action, he emphasized that "court and agency are not to be regarded as wholly independent and unrelated instrumentalities of justice, each acting in the performance of its prescribed statutory duty without regard to the appropriate function of the other in securing the plainly indicated objects of the statute. . . . Neither body should repeat in this day the mistake made by the courts of law when equity was struggling for recognition as an ameliorating system of justice; neither can rightly be regarded by the other as an alien intruder, to be tolerated, if must be, but never to be encouraged or aided by the other in the attainment of the common aim."⁵⁵

In general, this attitude of tolerance has been applied by the Court in the administration of labor legislation,⁵⁶ and in the regulation of public utilities, the extractive industries, and services vital to the public.⁵⁷ And in some instances the Supreme Court has even gone far in permitting administrative agencies to determine their statutory jurisdiction, once they have given a fair hearing with notice and an opportunity to present argument, and have applied the statute in a just and reasonable manner.⁵⁸

In cases dealing with personal liberty, however, the Court has been more diligent. In the Bridges deportation case, it emphasized the necessity of "meticulous care" lest the procedure of deportation not meet "essential standards."⁵⁹ In its exercise of meticulous care, the Court in effect weighed the evidence in the case and reached its own independent conclusion thereon, thereby abandoning the substantial evidence rule in such cases.⁶⁰

In the domain of procedural due process in criminal cases, the Court in general has shown a greater solicitude for persons accused of crime, and particularly for the poor and the illiterate. It has wavered, however,

⁵⁵ *Ibid.*, 183, 191.

⁵⁶ *Opp Cotton Mills v. Administrator*, 312 U. S. 126 (1941); *Consolidated Edison Co. v. National Labor Relations Board*, 305 U. S. 197 (1938); *Inland Empire District Council v. Millis*, 325 U. S. 697 (1945).

⁵⁷ *Shields v. Utah Idaho Central Ry. Co.*, 305 U. S. 177 (1938); *Gray v. Powell*, 314 U. S. 402 (1941); *Federal Power Commission v. Natural Gas Pipeline Co.*, 315 U. S. 575 (1942); *Federal Power Commission v. Hope Natural Gas Co.*, 320 U. S. 591 (1944); *Railroad Commission of California v. Pacific Gas and Electric Co.*, 302 U. S. 388 (1938); *Driscoll v. Edison Electric Light and Power Co.*, 307 U. S. 104 (1939); *Railroad Commission v. Rowan and Nichols Oil Co.*, 310 U. S. 573 (1940); 311 U. S. 570 (1941); *Fahey v. Mallonee*, 91 Law. Ed. Adv. Ops. 1574 (1947).

⁵⁸ *Gray v. Powell*, 314 U. S. 402, 411 (1941); *Shields v. Utah Idaho Central Ry. Co.*, 305 U. S. 177, 182, 185, 187 (1938).

⁵⁹ *Bridges v. Wixon*, 326 U. S. 135, 154 (1945).

⁶⁰ See the dissent of Chief Justice Stone. For judicial review of Selective Service administration, see *Falbo v. United States*, 320 U. S. 459 (1944); *Estep v. United States*, 327 U. S. 114 (1946).

between accepting specific guarantees of the Bill of Rights and interpreting due process in conformity with earlier standards.

In a number of cases following *Powell v. Alabama*,⁶¹ the Court apparently established the rule that right to representation by counsel is fundamental.⁶² However, in *Betts v. Brady*,⁶³ a majority, over the strong dissent of three judges, ruled that due process does not require that the state furnish counsel in all cases in which the accused is unable to provide it. Here an illiterate farm hand on relief had been convicted on the charge of robbery and sentenced to eight years of imprisonment. Carroll county, Maryland, where he was tried, provided for the appointment of counsel for the indigent in cases involving rape and murder, but in no others. Defendant's request for counsel was refused. The Supreme Court followed the familiar rule that the Fourteenth Amendment does not incorporate the specific guarantees of the Bill of Rights. "Asserted denial is to be tested by an appraisal of the totality of facts in a given case. That which may in one setting constitute a denial of fundamental fairness, shocking to the universal sense of justice, may, in other circumstances, and in the light of other considerations, fall short of such denial."⁶⁴ Since *Betts v. Brady*, the Court, however, has on a number of occasions proclaimed the right to counsel fundamental in any material steps in a proceeding after indictment or other similar charge or arraignment.⁶⁵

The Court has rather consistently applied its rule laid down in *Brown v. Mississippi*⁶⁶ and *Chambers v. Florida*⁶⁷ that coerced confessions and third-degree methods are a denial of due process of law, on the ground that such are contrary to civilized standards of justice. In some cases, however, the question of the presence or absence of coercion has presented difficulties which in turn have provoked sharply divided opinions.⁶⁸ The ruling in 1944 that the character of the confession is to be determined by a

⁶¹ 287 U.S. 45 (1932).

⁶² See, e.g., *Avery v. Alabama*, 309 U.S. 444 (1940); *Glasser v. United States*, 315 U.S. 60 (1942).

⁶³ 316 U.S. 455 (1942).

⁶⁴ *Ibid.*, 455, 462.

⁶⁵ *Hawk v. Olson*, 326 U.S. 271, 278 (1945); *Rice v. Olson*, 324 U.S. 786 (1945); *Williams v. Kaiser*, 323 U.S. 471 (1945); *Tomkins v. Missouri*, 323 U.S. 485 (1945). See also *Canizio v. New York*, 327 U.S. 82 (1946).

⁶⁶ 297 U.S. 278 (1936).

⁶⁷ 309 U.S. 227 (1940).

⁶⁸ See especially *Ashcraft v. Tennessee*, 322 U.S. 143 (1944). For other cases reversing convictions obtained on coerced confessions, see *White v. Texas*, 310 U.S. 530 (1940); see also *Smith v. O'Grady*, 312 U.S. 329 (1941), where a plea of guilt obtained by a trick was held a denial of due process. For federal cases, see *McNabb v. United States*, 318 U.S. 332 (1943). For cases where the conviction has been sustained on the finding that confessions were voluntary, see *Hysler v. Florida*, 315 U.S. 411 (1942); *Lisenba v. California*, 314 U.S. 219 (1941); and *Lyons v. Oklahoma*, 322 U.S. 596 (1944).

conclusion as to whether the accused at the time of confession possessed the "mental freedom" to confess or deny a crime⁶⁹ was not satisfactory to those judges who would incorporate the whole of the Bill of Rights into the due process clause.

*Adamson v. California*⁷⁰ points to most of the difficulties inherent in procedural due process in criminal proceedings. This case involved the validity of a conviction under the California statute permitting comment by the trial court on the failure of a defendant to testify and permitting the jury to consider the same. A majority held the statute and a conviction thereunder valid on the ground that the guarantee against self-incrimination is not included in due process of law except where such would result in an "unfair conviction,"⁷¹ or where the testimony is obtained through "fear of hurt, torture, or exhaustion."⁷² In a separate concurring opinion, Justice Frankfurter avowed his support of the ruling in *Twining v. New Jersey*,⁷³ undiluted and unweakened. In such cases, natural law, to him, provided a better basis for decision and "a much longer and much better founded justification" than "subjective" selections from the first eight amendments for incorporation into the Fourteenth.⁷⁴ On the other hand, Justice Black was for reversing the *Twining* case and incorporating the first eight amendments into the Fourteenth. This, to him, was preferable to the "subjective" natural law doctrines of Justice Frankfurter.

Whether one prefers the "subjective" naturalism of Justice Frankfurter or the "subjective" selectivism of Justice Black is more than a matter of taste, but with *Adamson v. California*, as with *Palko v. Connecticut*⁷⁵ and *Louisiana v. Resweber*,⁷⁶ procedural due process in criminal cases has come to be a matter of the "fairness" of the trial, "civilized standards of justice," and the "conscience of mankind," a return after some deviations to the *Twining* case.

*Screws v. United States*⁷⁷ is significant as sustaining those sections of the Civil Rights Act as revised which make it a crime for anyone "under color of any law, statute, ordinance, or custom" willfully to deprive anyone "of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States." The sheriff of Baker county, Georgia, aided by a policeman and a special deputy, had arrested a Negro and in one of the more sanguinary episodes in the long history of human brutality had beaten him to death. Screws and his associates were convicted of willfully

⁶⁹ *Lyons v. Oklahoma*, 322 U.S. 596, 602.

⁷⁰ 91 Law. Ed. Adv. Ops. 1464 (1947).

⁷¹ *Ibid.*, 1464, 1472.

⁷² *Ibid.*, 1470.

⁷³ 211 U.S. 78 (1908).

⁷⁴ 91 Law. Ed. Adv. Ops. 1476.

⁷⁵ 302 U.S. 319 (1937).

⁷⁶ 329 U.S. 459 (1947).

⁷⁷ 325 U.S. 91 (1945).

depriving the victim of privileges and immunities guaranteed by the Fourteenth Amendment and of rights protected by due process of law. Although reversing the conviction, the Court sustained the section against allegations of vagueness and denial of due process by construing it more narrowly than the trial court had done and holding that "the presence of bad purpose and evil intent alone" might not suffice, but "a specific intent to deprive a person of a federal right made definite by decision or other rule of law" would do so.⁷⁸

The removal of restraints of substantive due process on regulatory action, the relaxation of procedural due process in administration, the marked solicitude for the basic freedoms and for rights of persons accused of crime, make for restoring to due process of law much of its ancient and traditional meaning and constitute a large portion of the long trek back to the Constitution from which the Court had prodigally departed.

V. CIVIL LIBERTIES

ROBERT E. CUSHMAN

Cornell University

The Supreme Court's decisions dealing with civil liberties in the ten years under review fall into four groups: (1) cases involving the rights protected by the First Amendment—freedom of religion, speech, press, and assembly; (2) those concerned with racial discrimination; (3) cases enlarging the power of the federal government to protect civil rights against invasion by private persons; (4) war-time cases arising out of conflicts between civil liberty and military power. Decisions dealing with procedural due process and other rights of those accused of crime are discussed in another part of this symposium.¹

I. FIRST AMENDMENT—FREEDOM OF RELIGION, SPEECH, PRESS, AND ASSEMBLY

During the decade we are examining, the Supreme Court not only has decided a substantial number of cases involving freedom of speech, press, and religion, but it has developed a new and important judicial philosophy or doctrine with respect to them. In this judicial doctrine, three principles are fused. The first is that the four liberties protected by the First Amendment are so indispensable to the democratic process and to the preservation of the freedom of our people that they occupy a preferred place in our scheme of constitutional values. They are of more fundamental impor-

⁷⁸ *Ibid.*, 103.

¹ See the preceding paper by Professor Harris on "Due Process of Law."

tance than the other provisions of the Constitution. This priority was, of course, recognized in the action of the Court, beginning with the *Gitlow* case² back in 1925, in assimilating these liberties, and not others, into the concept of liberty in the due process clause of the Fourteenth Amendment. The Court, however, did not stop here, but moved on to the second principle, which is that freedom of speech, press, religion, and assembly are so vitally important that the usual presumption of constitutionality will not attach to a statute which on its face appears to abridge any of them. On the contrary, such a statute will be presumed to be unconstitutional. The third principle is that this presumption of unconstitutionality can be successfully rebutted only by convincing the Court that a legislative restriction on any one of the four great civil liberties is justified by the existence of a "clear and present danger." The test of "clear and present danger," announced by Mr. Justice Holmes in 1919,³ was regarded by him as a sort of "rule of reason" for the guidance of government in the enforcement of legislative restrictions on freedom of speech and press. While never explicitly repudiated, it never commanded, during its early history, full acceptance by the Court. It has now become the head of the corner and is being used by the Court for a purpose wholly unforeseen by Mr. Justice Holmes. The new doctrine, then, is that freedom of speech, press, religion, and assembly are so uniquely important that legislative restrictions upon them will be presumed to be unconstitutional unless shown to be justified by a clear and present danger.⁴

The following paragraphs will discuss under appropriate headings the decisions of the last ten years in which issues of freedom of speech, press, religion, and assembly have been directly or indirectly involved.

1. *Cases Dealing with Freedom of Speech and Press*

a. *Contempt of Court.* Freedom of the press has always been threatened and sometimes invaded by the power of judges to punish for contempt newspapers or others who publish criticisms of the courts, especially when the criticisms relate in any way to litigation presently in progress. In four decisions, the Court restricted this power to punish for contempt, and in three of these the issue of freedom of press was squarely raised. In these cases,⁵ matter had been published which either sought to influence the court in the disposition of pending litigation or accused the court of misconduct. The convictions for contempt were set aside as invalid restrictions

² *Gitlow v. New York*, 268 U.S. 652, 1925.

³ *Schenck v. United States*, 249 U.S. 47, 1919.

⁴ The new doctrine will be found clearly stated in the Court's opinion, by Mr. Justice Rutledge, in *Thomas v. Collins*, 323 U.S. 516, 1944.

⁵ *Bridges v. California*, 314 U.S. 252, 1941; *Pennekamp v. Florida*, 328 U.S. 331, 1946; *Craig v. Harney*, decided May 19, 1947.

on freedom of the press. Such attacks upon or advice to the court can be punished as contempt only when they constitute a "clear and present danger" to the administration of justice. The Court found no such clear and present danger and expressed the belief that a judge worthy of his office should be immune to the influence of such publications. In the fourth case,⁶ the Court construed the statutory power of federal judges to punish summarily as contempt misconduct committed in the presence of the Court, or "so near thereto as to obstruct the administration of justice," to apply only to offenses geographically or physically near to the Court. This overruled an earlier decision⁷ and restricted the Court's power of summary punishment.

b. *Picketing*. In the Thornhill⁸ and Carlson cases,⁹ the Court threw around peaceful picketing the protection of freedom of speech and press by holding void statutes which made all picketing unlawful. In these cases, there had been no violence or intimidation on the part of the pickets. Peaceful picketing was said to be a proper exercise of freedom of speech and press for the purpose of publicizing the issues in a labor dispute. In later decisions, this broad rule was qualified, and picketing was enjoined where it appeared that the picketing, while peaceful in itself, was "enmeshed with contemporaneously violent conduct which is concededly outlawed."¹⁰

c. *Postal Censorship*. There has been no opportunity for the Court to reconsider the constitutionality of the unhealthy range of statutory authority now exercised by the Postmaster General over publications which pass through the mails. In the *Esquire* case,¹¹ however, the Court set aside the Postmaster General's order depriving *Esquire Magazine* of second-class mailing privileges. The Postmaster General asserted that the statute authorized him to withdraw these privileges from publications which in his judgment do not "contribute to the public good and the general welfare." The Court emphatically rejected an interpretation which would set up an arbitrary administrative censorship of this sort.

d. *Freedom of Speech and Press of Federal Employees*. In *United States v. Lovett*,¹² the Supreme Court came to the protection of three federal officers who were the victims of a congressional rider to an appropriation bill providing that no money should be paid from the appropriation for the salaries of the three named men. A congressional committee had found the

⁶ *Nye v. United States*, 313 U.S. 33, 1941.

⁷ *Toledo Newspaper Co. v. United States*, 247 U.S. 402, 1918.

⁸ *Thornhill v. Alabama*, 310 U.S. 88, 1940.

⁹ *Carlson v. California*, 310 U.S. 106, 1940.

¹⁰ *Milk Wagon Drivers' Union v. Meadowmoor Dairies*, 312 U.S. 287, 1941.

¹¹ *Hannegan v. Esquire*, 327 U.S. 146, 1946.

¹² *United States v. Lovett*, 328 U.S. 303, 1946.

men "unfit" for federal service because of "subversive" activity. The Court held the rider to be a bill of attainder, since it inflicted punishment for alleged misconduct by legislative action.

Two decisions, however, held that federal employees may be compelled by Congress to forego the enjoyment of certain rights and privileges freely exercised by persons not employed by the government. The Hatch Act requires the dismissal of any federal employee covered by the act who engages, even in his spare time, in political activity. The Court held that this restriction upon the freedom of speech and press of government employees does not violate the First Amendment.¹³ Federal employees have long been subject to analogous disabilities. The propriety of these was rationalized many years ago by Judge Holmes, then on the supreme court of Massachusetts, in commenting upon the removal of a policeman for political activity. He observed: "The petitioner may have a constitutional right to talk politics, but he has no constitutional right to be a policeman."¹⁴ In the course of the recent loyalty purge of the federal service, a federal officer was dismissed because the Civil Service Commission found there was "reasonable doubt" as to his loyalty. A lower federal court refused to review the validity of the removal, on the ground that the discretion of the administrator in the matter was complete, and that the question whether the officer was in fact disloyal was not one upon which the Court could pass judgment. The Supreme Court refused certiorari in the case.¹⁵

e. *Subversive Activities as a Basis for the Deportation of Aliens or Denaturalization of Naturalized Citizens.* Issues of freedom of expression, or of freedom of political association, were indirectly involved in the attempt of the federal government to deport Harry Bridges because of his alleged affiliation with the Communist party. He admittedly had used the Communist organization in furtherance of his labor union activities. The Court held that he was not "affiliated" with the party within the prohibition of the statute, since it was not shown that he had coöperated with the party in pursuing its unlawful activities.¹⁶ Thus the Court put its stamp of disapproval upon the all-too-commonly-accepted doctrine of "guilt by association."

A naturalized citizen can have his citizenship revoked by judicial action if the court is convinced that his oath of allegiance to the United States was taken with mental reservations which made it fraudulent.

¹³ *United Public Workers v. Mitchell*, decided Feb. 10, 1947.

¹⁴ *McAuliffe v. New Bedford*, 155 Mass. 216.

¹⁵ *Friedman v. Schwellenbach*. Certiorari denied on March 17, 1947; petition for rehearing denied on May 5, 1947.

¹⁶ *Bridges v. Wixon*, 326 U.S. 135, 1945.

Loosely applied, this rule could be invoked to denaturalize any naturalized citizen whose complete loyalty to this country comes later to be suspected because of indiscreet language or conduct. Rumor has it that denaturalization proceedings were planned against all members of the German-American Bund after we were at war with Germany. In the *Schneiderman*¹⁷ and *Baumgartner*¹⁸ cases, the Supreme Court put a stop to any such sweeping plans by ruling that in each denaturalization case the burden rests upon the government to prove that citizenship was illegally procured, and to prove it not by a bare preponderance of evidence but by proof which is "clear, unequivocal, and convincing." In neither case did the government meet this standard. This rigid rule made impossible any program of wholesale or group denaturalization.

f. *Wartime Free Speech and Press*. World War II is notable for the negligible number of prosecutions brought for disloyal speeches or publications. This is in sharp contrast to the record of World War I, during which thousands were prosecuted and large numbers were convicted. Thus the case of *Hartzel v. United States*¹⁹ stands out sharply. Hartzel was convicted of violating the Espionage Act of 1917, which has never been repealed. His offense was essentially the same as that of which Schenck was convicted in 1919.²⁰ The Court held, however, that Hartzel's circulars opposing war and approving German policies and activities did not constitute a "clear and present danger" to the national security, and his conviction was set aside.

g. *Economic Regulation of the Press*. Newspaper owners and press associations would like to make freedom of the press synonymous with the freedom of the newspaper industry from any kind of governmental regulation. In the spring of 1937, the Associated Press tried to persuade the Supreme Court that to subject the Associated Press to the provisions of the National Labor Relations Act would violate the First Amendment. The attempt failed.²¹ In 1945, the Associated Press urged that to subject it to the requirements and penalties of the Sherman Anti-Trust Act would abridge the freedom of the press. The Court rejected the contention and held that the membership rules of the Associated Press did violate the Sherman Act.²² In 1946, an Oklahoma newspaper tried unsuccessfully to convince the Court that freedom of the press is jeopardized by applying to

¹⁷ *Schneiderman v. United States*, 320 U.S. 118, 1943.

¹⁸ *Baumgartner v. United States*, 322 U.S. 665, 1944.

¹⁹ 322 U.S. 680, 1944.

²⁰ *Schenck v. United States*, 247 U.S. 47, 1919.

²¹ *Associated Press v. N.L.R.B.*, 301 U.S. 103, 1937.

²² *Associated Press v. United States*, 326 U.S. 1, 1945.

the newspaper the provisions of the Fair Labor Standards Act.²³ The Court seems able to distinguish between freedom of the press and freedom of newspaper publishers.

2. Cases Dealing with Freedom of Religion

a. *The Jehovah's Witnesses Cases.* We owe a debt of gratitude to the Jehovah's Witnesses, whose fanatical resistance to even the mildest governmental regulation has brought to the Supreme Court some twenty-five cases in the decision of which the constitutional law of religious liberty has been established.

In an important group of cases in which issues of freedom of the press were merged with issues of freedom of religion, the Court established on a broad basis the right to distribute religious literature on the streets and in public places, and to do this without securing the prior permission of any public officer;²⁴ the right to accost people on the streets and play phonograph records for purposes of religious propaganda;²⁵ the right to go from house to house and ring doorbells in the same cause;²⁶ and the right to circulate religious literature in a company-owned town²⁷ or in a Federal Housing Authority project²⁸ without the permission of the owners.

In another group of cases, the Court, reversing a decision handed down the year before,²⁹ held invalid any license tax imposed on those who sell religious literature either on the public streets or from house to house.³⁰ While peddlers of non-religious publications, or other commodities, may be made to pay such a tax, the Court held that religious activity was entitled not simply to be free from discriminatory treatment, but to enjoy a preferred position of complete immunity from taxation. This rule applied to a Jehovah's Witness who made his entire living from the sale of religious books.³¹

The most spectacular controversy precipitated by the Witnesses resulted from their defiance of the compulsory flag-salute laws. On this issue also the Court reversed itself. It held at first in the *Gobitis* case³² that freedom

²³ *Oklahoma Press Publishing Co. v. Walling*, 327 U.S. 186, 1946.

²⁴ *Lovell v. Griffin*, 303 U.S. 444, 1938; *Schneider v. Irvington*, 308 U.S. 147, 1939; *Largent v. Texas*, 318 U.S. 418, 1943; *Jamison v. Texas*, 318 U.S. 413, 1943.

²⁵ *Cantwell v. Connecticut*, 310 U.S. 296, 1940.

²⁶ *Martin v. Struthers*, 319 U.S. 141, 1943.

²⁷ *Marsh v. Alabama*, 326 U.S. 501, 1946.

²⁸ *Tucker v. Texas*, 326 U.S. 517, 1946.

²⁹ *Jones v. Opelika*, 316 U.S. 584, 1942.

³⁰ *Murdock v. Pennsylvania*, 319 U.S. 105, 1943.

³¹ *Follett v. McCormick*, 321 U.S. 573, 1944.

³² *Minersville School District v. Gobitis*, 310 U.S. 586, 1940.

of religion was not violated by a law which required the expulsion from the public schools of pupils who refused to salute the flag. It later overruled this,³³ and it also held that one could not be prosecuted for publicly urging persons not to salute the flag.³⁴

The Witnesses did not win all of their cases. The Court held that a reasonable, non-discriminatory fee may be charged for the use of the streets for parades or processions for religious purposes,³⁵ and also that a state child labor law may validly be enforced against those who allow children under their care to sell religious literature on the streets.³⁶

b. *Conscientious Objectors*. In the *Schwimmer*,³⁷ *Macintosh*,³⁸ and *Bland*³⁹ cases, the Supreme Court upheld the denial of naturalization to persons who refused to swear that they would bear arms in the defense of this country, or who put limitations dictated by conscience upon their willingness to do so. In *Girouard v. United States*,⁴⁰ the Court reversed these cases and admitted to citizenship a Seventh Day Adventist who was unwilling to bear arms but was willing to perform noncombatant service. These cases involved no constitutional questions, but merely the interpretation of the naturalization statutes. The new interpretation rests upon the present Court's increased regard for freedom of religious thought.

It is hard to reconcile the *Girouard* case with *In re Summers*,⁴¹ in which the Court upheld the right of Illinois to exclude a conscientious objector from the practice of law. This would seem to be a clear denial of due process, since there is no sensible connection between Summers' religious scruples and his fitness to practice law. It seems probable that the Summers case will be overruled.

c. *"Public Rides to Private Schools."*⁴² The Court encountered a new problem in the field of religious liberty and equality in the New Jersey school bus case in 1947.⁴³ The state statute authorized the payment from public funds of the costs of transporting children to all schools not operated for profit, and this included the transportation of Catholic children to parochial schools. The Court held that the use of state funds for this purpose did not deny due process by using public funds for sectarian

³³ *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 1943.

³⁴ *Taylor v. Mississippi*, 319 U.S. 583, 1943.

³⁵ *Cox v. New Hampshire*, 312 U.S. 569, 1941.

³⁶ *Prince v. Massachusetts*, 321 U.S. 158, 1944.

³⁷ *United States v. Schwimmer*, 279 U.S. 644, 1929.

³⁸ *United States v. Macintosh*, 283 U.S. 605, 1931.

³⁹ *United States v. Bland*, 283 U.S. 636, 1931.

⁴⁰ 328 U.S. 61, 1946.

⁴¹ 325 U.S. 561, 1945.

⁴² The felicitous title of an article by Thomas Reed Powell in the *Harvard Educational Review*, Spring, 1947.

⁴³ *Everson v. Board of Education*, decided Feb. 10, 1947.

purposes, nor did it violate the clause of the First Amendment forbidding an establishment of religion, a clause now applicable to the states by reason of its assimilation into the due process clause of the Fourteenth Amendment.

II. RACIAL DISCRIMINATION

Decisions affecting the rights of Negroes fall into three groups. These decisions represent gains in the direction of equality of Negro rights, but none of them in any way undermines the well-established doctrine of *Plessy v. Ferguson*⁴⁴ that segregation of the races *per se* does not deny equal protection if the accommodations accorded the two races are substantially equal.

a. *Equality Under Segregation*. In two important cases, the Court ruled that if Negroes and whites are segregated in the enjoyment of educational facilities, the Negroes must be given facilities which are in reality essentially equal to those enjoyed by whites. In the *Gaines* case,⁴⁵ the Court held that the state of Missouri must either admit a Negro who wished to study law to its existing state-supported law school or must provide a separate and adequate law school for Negroes to attend. Southern states had been in the habit of meeting this situation by paying the tuition of Negro students in northern law schools willing to admit them. This, the Court held, does not meet the requirement of equal protection. In *Alston v. School Board of the City of Norfolk*,⁴⁶ the circuit court of appeals held that a Virginia city must pay Negro and white teachers equal salaries for equal work. The Supreme Court refused to grant certiorari in this case.⁴⁷ This stricter test of equality under segregation was applied in the case of *Mitchell*,⁴⁸ a Negro congressman, who was refused equal accommodations while making an interstate train journey. The Court granted him relief and ordered the Interstate Commerce Commission to see that the inequality of treatment was discontinued.

The *Morgan* case,⁴⁹ decided in 1946, held unconstitutional a Virginia statute requiring the segregation of Negroes and whites on interstate buses within the state, not because the segregation denied due process or equal protection, but because the state rule unduly burdened interstate commerce. If Negroes and whites are to be segregated in interstate transportation, Congress and not the states must enact the necessary rules.

⁴⁴ 163 U.S. 537, 1896.

⁴⁵ *Missouri ex rel Gaines v. Canada*, 305 U.S. 337, 1938.

⁴⁶ 112 Fed. 2d. 992, 1940.

⁴⁷ 311 U.S. 693, 1940.

⁴⁸ *Mitchell v. United States*, 313 U.S. 80, 1941.

⁴⁹ *Morgan v. Virginia*, 328 U.S. 373, 1946.

b. *Protection Against Negro Discrimination.* The Court drove a wedge into racial discrimination practiced by labor unions in the Steele⁵⁰ and Tunstall cases.⁵¹ The cases, however, rested on an interpretation of the Railway Labor Act rather than on constitutional grounds. The Court held that the railroad brotherhoods involved could not bargain collectively as "representatives" of the entire craft in pursuance of the provisions of the statute as long as they were guilty of racial discrimination amongst their members. Negroes had been barred from the collective bargaining process and had been discriminated against in the contract collectively arrived at with the railroads. Dissenting justices urged that the decision should have been based on the Fifth Amendment. In the Corsi case,⁵² the Court refused to hold that an association of federal postal clerks could claim immunity from the operation of the New York statute forbidding racial discrimination by labor organizations.

In several cases the Court followed the rule laid down in *Norris v. Alabama*⁵³ and set aside convictions of Negroes when the record showed the systematic exclusion of Negroes from jury panels over a long period of time. In *Akins v. Texas*,⁵⁴ the protection here built up was weakened by a decision that no discrimination against Negroes was involved in a case where one Negro had carefully been placed on the jury by officials who frankly stated that they never intended to put more than one there.

d. *Negro Suffrage.* In 1937, the Court upheld the Georgia poll tax requirement for voting against the charge that it was discriminatory since women and persons over sixty were exempted.⁵⁵ The use of the poll tax as a means of Negro disfranchisement was not an issue in the case. The Court's language showed that it regarded the poll tax requirement as a legitimate qualification for the suffrage. The Court did not, however, consider a number of issues regarding the validity of the poll tax which have emerged in the more recent drive to bring about its abolition. *Lane v. Wilson*⁵⁶ held invalid an obvious subterfuge by which Oklahoma sought to salvage a measure of Negro disfranchisement from the wreckage left by the *Guinn* case⁵⁷ of 1915, which invalidated the state's grandfather clause.

Of vital importance to the Negro was *Smith v. Allwright*,⁵⁸ which outlawed the white primary. In doing so, the Court overruled what it was

⁵⁰ *Steele v. L. & N. Ry. Co.*, 323 U.S. 192, 1944.

⁵¹ *Tunstall v. Brotherhood of Locomotive Firemen and Enginemen*, 323 U.S. 210, 1944.

⁵² *Railway Mail Association v. Corsi*, 326 U.S. 88, 1945.

⁵³ 294 U.S. 587, 1935.

⁵⁴ 325 U.S. 398, 1945.

⁵⁵ *Breedlove v. Suttles*, 302 U.S. 277, 1937.

⁵⁶ 307 U.S. 268, 1939.

⁵⁷ *Guinn v. United States*, 238 U.S. 347, 1915.

⁵⁸ 321 U.S. 649, 1944.

popularly supposed to have held in the *Newberry* case,⁵⁹ and what it had squarely held in *Grovey v. Townsend*⁶⁰ in 1935. Primary elections were declared to be a vital and integral part of the electoral process in the state, with the result that racial discrimination in a primary election violates the Fourteenth and Fifteenth Amendments.

III. THE FEDERAL PROTECTION OF CIVIL RIGHTS

We usually think of civil rights and liberties as freedoms which are protected against official or governmental oppression. Civil rights, however, may be invaded by persons, and against such private interference with our rights we look to the government to protect us. The only federal statutes, however, which extend this protection are relics of the Reconstruction period. One of them punishes anyone who under color of any law, statute, or ordinance willfully deprives any citizen of the rights guaranteed him by the statutes or Constitution of the United States. The other makes it a crime for private persons to conspire together for the same purpose. Until recently, these statutes were largely forgotten.

In the *Classic* case,⁶¹ one of these statutes was resurrected and enforced against an election official who falsified the returns in a congressional primary in New Orleans. The Court held that the right to vote in a congressional primary and to have one's vote honestly counted is a right of United States citizenship, and *Classic* was held properly convicted of the crime of having obstructed the enjoyment of that right. In the *Screws* case,⁶² the Court held that the same statute could validly be enforced against a Southern sheriff who had brutally killed a Negro prisoner in his custody. The Court, however, held that the sheriff had violated the statute only if he had willfully deprived the Negro of his federally protected rights, and since the trial jury had not been clearly charged to that effect, a new trial was ordered. In two cases,⁶³ Southern statutes embodying sophisticated efforts to make it a crime for Negroes to fail to perform contracts of labor after having received advances of wages were held to violate the federal statutes forbidding peonage.

IV. CIVIL LIBERTY AND MILITARY AUTHORITY

The greatest losses of civil liberty during World War II were the concessions made to military authority over civilians. The brutal and discriminatory treatment accorded to American citizens of Japanese ancestry on the West Coast by the Army brought three cases to the Supreme Court.

⁵⁹ *Newberry v. United States*, 256 U.S. 232, 1921.

⁶⁰ 295 U.S. 45, 1935.

⁶¹ *United States v. Classic*, 313 U.S. 299, 1941.

⁶² *Screws v. United States*, 325 U.S. 91, 1945.

⁶³ *Taylor v. Georgia*, 315 U.S. 25, 1942; *Pollock v. Williams*, 322 U.S. 4, 1944.

In the first of these,⁶⁴ the Court held that discriminatory curfew regulations enforced against Japanese-American citizens did not deny due process because the racial classification involved had relevance to the public security inasmuch as we were at war with Japan. In a shocking decision,⁶⁵ the Court held that military necessity provided constitutional justification for forcibly evacuating all Japanese-American citizens from the West Coast areas and imprisoning them in war relocation centers. This infringement of practically all the civil rights which citizens normally possess was held valid on the ground that the Army thought it necessary and that the Army's judgment could not properly be reviewed by the Court. Dissenting opinions made it clear that the need for this summary mass evacuation action probably did not exist in fact, and that there was ample time to determine by individual hearings the loyalty or disloyalty of these American citizens. The Court held in the Endo case⁶⁶ that, once the loyalty of one of the Japanese-American internees had been established, that person was constitutionally entitled to immediate release.

In Hawaii, the Army took over the complete government of the territory after Pearl Harbor, held on to it for over two years, and entirely excluded the civil authorities from the exercise of their customary duties, including the punishment of civilians for non-military crimes. The Supreme Court held in 1946 that the Army had exceeded its authority and afforded relief to two victims of this military usurpation.⁶⁷ The case went on the ground that the organic act for the government of Hawaii did not justify such overriding of civil authority by military power, but the Court's opinion strongly infers that if the organic act had not afforded a basis for decision, the Court, relying on the doctrine of *Ex parte* Milligan,⁶⁸ would have held the military government bad on constitutional grounds.

Trial of war criminals by military commission was held by the Court not to violate constitutional guarantees of fair procedure. The Nazi saboteurs who were tried in this manner in the summer of 1942 were held to be enemy combatants properly charged with violating the laws of war, and therefore not entitled to the procedural protections accorded ordinary criminals.⁶⁹ In the Yamashita⁷⁰ and Homma⁷¹ cases, it was held that military commissions set up in conquered territory for the trial of war criminals were not bound by the constitutional requirement of due process of law.

⁶⁴ *Hirabayashi v. United States*, 320 U.S. 81, 1943.

⁶⁵ *Korematsu v. United States*, 323 U.S. 214, 1944.

⁶⁶ *Ex parte* Endo, 323 U.S. 283, 1944.

⁶⁷ *Duncan v. Kahanamoku*, and *White v. Steer*, 327 U.S. 304, 1946.

⁶⁸ 4 Wallace 2, 1866.

⁶⁹ *Ex parte* Quirin, 317 U.S. 1, 1942.

⁷⁰ *In re* Yamashita, 327 U.S. 1, 1946.

⁷¹ *In re* Homma, 327 U.S. 759, 1946.

VI. THE ROOSEVELT COURT: VOTES AND VALUES*

C. HERMAN PRITCHETT

University of Chicago

In No. 78 of *The Federalist*, Alexander Hamilton wrote: "To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules and precedents, which serve to define and point out their duty in every particular case that comes before them . . ." Whatever acceptance this view of the judge as automaton and of the judicial process as a ministerial function may once have had, little trace remains of it today, after ten years of experience with the "reorganized" Supreme Court. The Roosevelt Court was not, of course, the first on which judicial decisions were influenced by the personal values of its justices. Throughout the history of the Court, the autobiographical element in its output has been as important as when Justice Holmes bluntly told his colleagues in 1905 that "this case is decided upon an economic theory which a large part of the country does not entertain."¹ But the prevailing theory was that judges did not make law, they merely found it.

The constitutional revolution of 1935-37 changed all that. The public, as Max Lerner says, "began to see that judicial decisions are not babies brought by constitutional storks, but are born out of the travail of economic circumstance."² For two terms, the Constitution meant what Justice Roberts said it meant. After the consummation of the revolution, the forces which had been most ardent in picturing earlier conservative courts as demonstrating the workings of a government of law could only explain the strange phenomenon of a liberal court as the triumph of a government of men. Additional recent factors serving to underline the personal basis of judicial decisions have been the tossing of barbed phrases on the bench, Justice Jackson's ill-tempered public attack on one of his colleagues, and the mounting tide of dissenting opinions.

The non-unanimous decision, whose phenomenal increase on the Roosevelt Court is shown in Table I, affords extremely promising material for the study of judicial behavior and the discovery of the values in terms of which judges make their decisions. For these disputed cases furnish data which are more tangible than ordinary judicial verbalizations, and offer opportunities for analysis going beyond the characteristic lawyer's processes of interpretation, comparison, search for inconsistencies, and general legal exegesis. They supply the concrete record of a series of yes and no

* This article is adapted from a chapter in the author's forthcoming book, *The Roosevelt Court: A Study in Judicial Politics and Values, 1937-47*.

¹ *Lochner v. New York*, 198 U.S. 45 (1905).

² *Ideas for the Ice Age* (1941), p. 259.

votes on a variety of issues, which can be analyzed to provide significant information on judicial behavior.

TABLE I
NON-UNANIMOUS OPINIONS AND DISSENTING VOTES ON THE SUPREME COURT,
SELECTED TERMS

<i>Term</i>	<i>Non-Unanimous Opinions (Per cent)</i>	<i>Dissenting Votes Cast</i>	<i>Dissenting Votes Cast Per Opinion</i>
1910	13	35	.21
1920	17	83	.37
1930	11	46	.27
1935	16	80	.50
1936	19	82	.51
1937	27	88	.52
1938	34	116	.78
1939	30	85	.60
1940	28	117	.69
1941	36	160	.99
1942	44	176	1.03
1943	58	194	1.42
1944	58	245	1.50
1945	56	156	1.14
1946	64	246	1.71

Judicial Alignments. First of all, it is important to discover what patterns of alignment or *blocs* of opinion are present in the non-unanimous decisions. Perhaps the most effective and systematic method of handling voting relationships on the Court is to reduce the data on agreements and disagreements among the justices to a percentage basis for tabular presentation. Table II gives voting alignments in this form for the period 1931-1947. For each term, there is shown the percentage rate of agreement between every pair of justices, whether on the majority or minority side, in every non-unanimous opinion in which both participated.³ For example, during the 1944 term Justices Douglas and Frankfurter were both participants in 90 of the 98 divisions of opinion in Court decisions. In 47 of these, they were on the same side, while in the other 43 they were opposed. Thus the rate of agreement between them was 52 per cent. The same data are given for every other pair of justices in every term covered.

Examination of the record for the various terms covered in Table II reveals in a graphic manner the character of judicial alignments during the period, and the formation and deterioration of judicial *blocs*. The combined data for the five terms from 1931 through 1935 indicate a pattern of

³ Terms are designated by the year in which they began. The "1944 term" refers to the 1944-45 term.

division into three clearly defined *blocs* which can be referred to as the left, center, and right of the Court. The left wing was composed of Justices Stone, Cardozo, and Brandeis, who had rates of agreement with each other ranging from 79 to 89 per cent, while the four-judge group on the right had internal agreement ratios of from 75 to 93 per cent. The span separating left from right is evident in the fact that Stone agreed with Butler in only 20 per cent of the non-unanimous decisions.

During the same period, the center of the Court consisted of Hughes and

TABLE II
AGREEMENTS AMONG SUPREME COURT JUSTICES IN NON-UNANIMOUS OPINIONS,
1931-1946 TERMS
(IN PERCENTAGES)
1931-35 TERMS

	<i>Stone</i>	<i>Cardozo</i>	<i>Brandeis</i>	<i>Hughes</i>	<i>Roberts</i>	<i>VanDevanter</i>	<i>Sutherland</i>	<i>Butler</i>	<i>McReynolds</i>	<i>Range</i>
Stone	—	89	83	54	43	33	29	20	22	69
Cardozo	89	—	79	59	42	36	31	21	26	68
Brandeis	83	79	—	60	55	41	39	31	30	53
Hughes	54	59	60	—	77	77	71	60	62	23
Roberts	43	42	55	77	—	74	78	71	67	36
VanDevanter	33	36	41	77	74	—	93	82	79	60
Sutherland	29	31	39	71	78	93	—	87	78	64
Butler	20	21	31	60	71	82	87	—	75	67
McReynolds	22	26	30	62	67	79	78	75	—	57

1936 TERM

	<i>Cardozo</i>	<i>Stone</i>	<i>Brandeis</i>	<i>Hughes</i>	<i>Roberts</i>	<i>VanDevanter</i>	<i>Sutherland</i>	<i>Butler</i>	<i>McReynolds</i>	<i>Range</i>
Cardozo	—	100	90	84	71	40	32	26	13	87
Stone	100	—	91	91	78	39	35	26	17	83
Brandeis	90	91	—	83	83	45	37	30	17	74
Hughes	84	91	83	—	81	57	48	42	29	62
Roberts	71	78	83	81	—	50	42	35	23	60
VanDevanter	40	39	45	57	50	—	93	87	73	54
Sutherland	32	35	37	48	42	93	—	87	74	61
Butler	26	26	30	42	35	87	87	—	87	61
McReynolds	13	17	17	29	23	73	74	87	—	74

1937 TERM*

	<i>Black</i>	<i>Cardozo</i>	<i>Stone</i>	<i>Brandeis</i>	<i>Hughes</i>	<i>Roberts</i>	<i>Butler</i>	<i>Sutherland</i>	<i>McReynolds</i>	<i>Range</i>
Black	—	88	68	70	67	64	17	20	9	79
Cardozo	88	—	100	81	75	60	13	8	6	94
Stone	68	100	—	91	89	83	41	15	27	85
Brandeis	70	81	91	—	98	93	50	33	37	65
Hughes	67	75	89	98	—	95	52	40	39	59
Roberts	64	60	83	93	95	—	57	57	43	52
Butler	17	13	41	50	52	57	—	80	83	70
Sutherland	20	8	15	33	40	57	80	—	100	92
McReynolds	9	6	27	37	39	43	83	100	—	94

* Justice Reed, appointed during the term after Sutherland's resignation, is excluded from the table.

1938 TERM*

	<i>Black</i>	<i>Douglas</i>	<i>Frankfurter</i>	<i>Reed</i>	<i>Stone</i>	<i>Hughes</i>	<i>Roberts</i>	<i>Butler</i>	<i>McReynolds</i>	<i>Range</i>
Black	—	100	100	77	67	56	45	6	0	100
Douglas	100	—	100	82	73	42	50	9	0	100
Frankfurter	100	100	—	85	79	62	57	5	0	100
Reed	77	82	85	—	83	77	64	26	21	65
Stone	67	73	79	83	—	90	62	35	30	65
Hughes	56	42	62	77	90	—	73	45	41	59
Roberts	45	50	57	64	62	73	—	56	53	28
Butler	6	9	5	26	35	45	56	—	94	88
McReynolds	0	0	0	21	30	41	53	94	—	94

* Justice Brandeis, who resigned during the term, is excluded from the table.

1939 TERM

	<i>Black</i>	<i>Douglas</i>	<i>Murphy</i>	<i>Frankfurter</i>	<i>Reed</i>	<i>Stone</i>	<i>Hughes</i>	<i>Roberts</i>	<i>McReynolds</i>	<i>Range</i>
Black	—	100	100	95	87	81	56	36	8	92
Douglas	100	—	100	95	87	80	58	37	8	92
Murphy	100	100	—	95	90	75	55	45	11	89
Frankfurter	95	95	95	—	92	86	61	40	13	82
Reed	87	87	90	92	—	87	66	44	17	73
Stone	81	80	75	86	87	—	71	50	21	66
Hughes	56	58	55	61	66	71	—	80	50	30
Roberts	36	37	45	40	44	50	80	—	64	44
McReynolds	8	8	11	13	17	21	50	64	—	56

1940 TERM

	<i>Black</i>	<i>Douglas</i>	<i>Murphy</i>	<i>Frankfurter</i>	<i>Reed</i>	<i>Stone</i>	<i>McReynolds</i>	<i>Hughes</i>	<i>Roberts</i>	<i>Range</i>
Black	—	100	84	72	67	56	32	20	11	89
Douglas	100	—	84	72	67	55	32	18	12	88
Murphy	84	84	—	86	70	76	47	36	20	66
Frankfurter	72	72	86	—	82	80	42	42	25	61
Reed	67	67	70	82	—	70	53	41	26	56
Stone	56	55	76	80	70	—	58	65	29	51
McReynolds	32	32	47	42	53	58	—	94	56	62
Hughes	20	18	36	42	41	65	94	—	67	76
Roberts	11	12	20	25	26	29	56	67	—	56

1941 TERM

	<i>Douglas</i>	<i>Black</i>	<i>Murphy</i>	<i>Reed</i>	<i>Byrnes</i>	<i>Jackson</i>	<i>Frankfurter</i>	<i>Stone</i>	<i>Roberts</i>	<i>Range</i>
Douglas	—	95	72	54	53	42	34	23	23	72
Black	95	—	78	56	62	45	36	25	24	71
Murphy	72	78	—	58	59	48	53	48	34	44
Reed	54	56	58	—	57	65	61	54	54	11
Byrnes	53	62	59	57	—	68	69	61	57	16
Jackson	42	45	48	65	68	—	64	53	60	26
Frankfurter	34	36	53	61	69	64	—	70	53	36
Stone	23	25	48	54	61	53	70	—	70	47
Roberts	23	24	34	54	57	60	53	70	—	47

1942 TERM

	<i>Black</i>	<i>Douglas</i>	<i>Murphy</i>	<i>Rutledge</i>	<i>Stone</i>	<i>Reed</i>	<i>Jackson</i>	<i>Frankfurter</i>	<i>Roberts</i>	<i>Range</i>
Black	—	93	73	84	50	50	46	41	27	66
Douglas	93	—	77	87	51	50	47	46	29	64
Murphy	73	77	—	76	48	42	47	42	29	48
Rutledge	84	87	76	—	55	55	63	55	33	54
Stone	50	51	48	55	—	68	67	68	62	20
Reed	50	50	42	55	68	—	70	76	62	34
Jackson	46	47	47	63	67	70	—	64	57	24
Frankfurter	41	46	42	55	68	76	64	—	65	35
Roberts	27	29	29	33	62	62	57	65	—	38

1943 TERM

	<i>Douglas</i>	<i>Black</i>	<i>Murphy</i>	<i>Rutledge</i>	<i>Jackson</i>	<i>Reed</i>	<i>Stone</i>	<i>Frankfurter</i>	<i>Roberts</i>	<i>Range</i>
Douglas	—	86	79	72	56	56	55	47	24	62
Black	86	—	76	74	57	58	58	50	27	59
Murphy	79	76	—	81	49	53	58	49	34	47
Rutledge	72	74	81	—	59	63	62	52	40	41
Jackson	56	57	49	59	—	64	55	71	46	25
Reed	56	58	53	63	64	—	78	73	50	28
Stone	55	58	58	62	55	78	—	70	49	29
Frankfurter	47	50	49	52	71	73	70	—	62	26
Roberts	24	27	34	40	46	50	49	62	—	38

1944 TERM

	<i>Black</i>	<i>Douglas</i>	<i>Rutledge</i>	<i>Murphy</i>	<i>Reed</i>	<i>Jackson</i>	<i>Frankfurter</i>	<i>Stone</i>	<i>Roberts</i>	<i>Range</i>
Black	—	79	78	74	62	53	47	41	9	70
Douglas	79	—	78	74	70	57	52	52	20	59
Rutledge	78	78	—	79	63	62	56	47	20	58
Murphy	74	74	79	—	64	57	54	46	25	54
Reed	62	70	63	64	—	64	67	72	41	31
Jackson	53	57	62	57	64	—	75	67	45	30
Frankfurter	47	52	56	54	67	75	—	74	61	28
Stone	41	52	47	46	72	67	74	—	61	33
Roberts	9	20	20	25	41	45	61	61	—	52

1945 TERM

	<i>Douglas</i>	<i>Black</i>	<i>Murphy</i>	<i>Rutledge</i>	<i>Reed</i>	<i>Burton</i>	<i>Stone</i>	<i>Frankfurter</i>	<i>Range</i>
Douglas	—	71	62	56	54	49	42	45	29
Black	71	—	67	59	61	57	47	43	28
Murphy	62	67	—	73	63	56	60	52	21
Rutledge	56	59	73	—	54	45	49	61	28
Reed	54	61	63	54	—	68	80	57	26
Burton	49	57	56	45	68	—	78	57	33
Stone	42	47	60	49	80	78	—	65	38
Frankfurter	45	43	52	61	57	57	65	—	22

1946 TERM

	<i>Rutledge</i>	<i>Murphy</i>	<i>Black</i>	<i>Douglas</i>	<i>Reed</i>	<i>Burton</i>	<i>Vinson</i>	<i>Jackson</i>	<i>Frankfurter</i>	<i>Range</i>
Rutledge	—	77	72	55	48	46	42	34	34	43
Murphy	77	—	81	71	45	42	49	37	35	46
Black	72	81	—	68	54	53	56	40	35	46
Douglas	55	71	68	—	56	55	57	39	40	32
Reed	48	45	54	56	—	75	69	65	59	30
Burton	46	42	53	55	75	—	75	62	62	33
Vinson	42	49	56	57	69	75	—	68	68	33
Jackson	34	37	40	39	65	62	68	—	71	37
Frankfurter	34	35	35	40	59	62	68	71	—	37

Roberts. This pair had their highest rates of agreement with each other and with the more moderate left- and right-wing justices, their curves dropping off noticeably toward the two extremes of the Court. It is a characteristic of center justices that they have neither very high nor very low rates of agreement with their colleagues on either side of the Court. Hughes' range was from 54 to 77 per cent, while Roberts, who was skewed a little more to the right, had a low of 42 per cent and a high of 78 per cent. In comparison, Stone's range was from 20 to 89 per cent in his agreement rates.

These data suggest the possibility of using the *range* between high and low agreement rates as an index of relative moderation or extremism in judicial attitudes. The limits within which a judge's range may vary are 100 to zero. A range of 100 would be evidence of extreme opposing attitudes, while a range of zero would mark a moderate justice who was a kind of common denominator for his brethren. Broad ranges are characteristic of the justices on the two wings of the Court, and narrow ranges mark the center justices. During the 1931-35 period, Stone on the left had a range of 69, Hughes' range in the center was 23, and Butler's on the right was 67.

For a single mathematical expression of the extent of the differences on the Court during a particular period, the *average range* of each term's judicial agreement relationships furnishes an acceptable measure. If the members of the Court were divided into two perfect *blocs* in their non-unanimous decisions, each judge agreeing with colleagues in his own *bloc* all of the time and never agreeing with those in the other *bloc*, the average range of agreement would be 100. At the other extreme, if no *blocs* were present and every judge agreed with every other judge in half of the non-unanimous decisions, then the average range for the Court would be zero. The average range can thus be taken as a measure of the presence or absence of separate well-defined *blocs* of opinion on the Court. For the 1931-

35 period, the average range was 55, indicating only a moderately well-developed system of *bloc* alignments. The figure is held down by the two center justices, who managed to maintain fairly close relations with each wing.

It is not feasible to comment in similar detail on the record of alignments for the terms from 1936 through 1946, but at least the highlights may be noted. In the 1936 term, when the Court's conversion to the New Deal was accomplished, Hughes, and to a lesser extent Roberts, became practically full-fledged adherents of the Court's left wing, thus giving it control of the situation. The four right-wing justices maintained a high degree of solidarity, their rates of agreement running from 73 to 93 per cent. This tightening of the battle lines was reflected in the increase of the average range from 55 to 68.

When Black joined the Court for the 1937 term, he was too far to the left for any of the other justices except Cardozo, and the more moderate left-wing members merged with the center to form a compact five-judge group (Reed, Stone, Brandeis, Hughes, and Roberts) in which the agreement relationships were quite high, from 82 to 98 per cent. The average range continued to climb, reaching 75 for the term.

The 1938 term saw Frankfurter and Douglas coming on the Court and coalescing with Black in a new left-wing alignment marked by complete and unprecedented unanimity during the entire term. The center was now composed of Reed, Stone, Brandeis, and Hughes, whose inter-agreements ran from 77 to 100 per cent. Roberts was on the right fringe of this center group, while the right wing was reduced to Butler and McReynolds, who clung together faithfully in 94 per cent of the divided opinions. With this lineup, the Court developed its clearest alignment into opposing groups, with an average range of 76.

In 1939, Murphy was added to the Court's very solid left, as Reed and Stone also fell back toward the left and away from Hughes, who was deviating rightward along with Roberts. But 1940 saw considerable disintegration on the left. Black and Douglas remained in perfect harmony, but Murphy was with them only 84 per cent of the time, and Frankfurter was definitely drifting over to the center with Reed and Stone. The average range for 1939 dropped to 69, and for 1940 to 67.

In 1941, divisive forces hit the Court in full force. Black and Douglas split for the first time, and Murphy departed from their *bloc* in about one-fourth of the non-unanimous cases. No other pair on the Court could muster more than a 70 per cent rate of agreement, and there was no particular cohesiveness to be found in either the center or the right of the Court. The average range for 1941 slumped drastically to 41, evidencing the progressive disappearance of *bloc* alignments. Much the same condition prevailed during the 1942 term, though Rutledge did associate himself

closely with Black and Douglas in his first Court term, and the average range increased slightly to 43.

In the sessions since 1942, there have been two principal developments. One is the continued loosening of ties in the left wing, though it still remains as the only comparatively well-defined *bloc* of opinion on the Court. The agreement relationships between Black and Douglas have steadily declined—from 100 per cent in the 1938-40 terms to 95 in 1941, 93 in 1942, 86 in 1943, 79 in 1944, 71 in 1945, and 68 in 1946. The other two members of the left, Rutledge and Murphy, have certain very marked affinities, but their rate of agreement for 1946 was no higher than 77 per cent. The inter-agreements for the four left-wing justices in 1946 varied from 55 to 81 per cent, as compared with 1942, when the same four justices agreed from 73 to 93 per cent of the time.

The second marked trend has been the progressive disappearance of extremes of agreement and disagreement among the justices. With the gradual disintegration of left- and right-wing *blocs*, all the justices have more in common with colleagues on the other side of the Court, and less in common with members of their own wing, than was previously the case. In the 1939 term, Black's agreements varied from 100 per cent with Douglas to 8 per cent with McReynolds, a range of 92. But by the 1945 term Black's range had dropped to 28. Since the 1941 term, the average range of agreement relationships has been no higher than 46 and has dropped as low as 28, while in the preceding decade the high point had been 76 and the low 55.⁴

This analysis of alignments reveals the structure of agreement and disagreement on the Court over the past decade, but throws no light on the values in terms of which the justices have made their decisions, and affords no explanation of judicial motivation. For these purposes, it is necessary to relate data on alignments to the issues in terms of which judicial division has developed.

Personal Liberty Issues. An examination of the Court's decisions since the 1941 term, when the current wave of dissent got its start, reveals two general classes of cases which appear to be of preponderant importance in the development of recent judicial alignments. First to be considered are the personal liberty, or Bill of Rights, cases, which constituted 17 per cent (82) of the 477 non-unanimous decisions handed down during the six terms from 1941 through 1946. In 31 of these cases, it was one of the freedoms (speech, press, religion, assembly) guaranteed by the First Amendment against federal or (by way of the Fourteenth Amendment) state

⁴ The average range of agreements over the period studied has been as follows:

1931-35-55	1939-69	1943-39
1936-68	1940-67	1944-46
1937-75	1941-41	1945-28
1938-76	1942-43	1946-37

encroachment that was at stake. The other 51 were cases in which the fundamental procedural rights guaranteed by the Bill of Rights and the Fourteenth Amendment to defendants in criminal cases had allegedly been violated in federal or state prosecutions.

In every non-unanimous decision involving one or the other of these issues, it is possible to divide the participating justices into two groups—those more favorable and those less favorable toward granting the personal liberty claim which was the subject of controversy. Table III uses this approach in presenting the voting record of the various justices in these two types of personal liberty cases, separately in columns 1 and 2, and combined in column 7.

TABLE III
ALIGNMENTS OF JUSTICES IN NON-UNANIMOUS PERSONAL
LIBERTY DECISIONS, 1941-46 TERMS*

	<i>Pro Civil Libs. (1)</i>	<i>Pro Crim. Def. (2)</i>	<i>Fed. Civil Libs. (3)</i>	<i>State Civil Libs. (4)</i>	<i>Fed. Crim. Def. (5)</i>	<i>State Crim. Def. (6)</i>	<i>Total Pers. Lib. (7)</i>
No. Cases	31	51	15	16	33	18	82
Ct. Majority	61%	41%	53%	69%	48%	28%	49%
Murphy	100	90	100	100	88	94	94
Rutledge	71	90	64	79	88	93	83
Black	68	65	47	87	55	83	66
Douglas	65	63	33	94	55	78	63
Stone	42	44	25	58	45	42	43
Frankfurter	26	39	20	31	55	11	34
Jackson	33	28	50	25	40	18	30
Roberts	32	27	67	0	47	0	29
Reed	29	27	27	31	30	22	28
Burton	17	16	17	17	17	14	16
Vinson	0	0	0	0	0	0	0

* Justice Byrnes, who served only one term during this period, is excluded from the table. The records of Chief Justice Vinson, who served only one term, and Justice Burton, who served two terms, are scarcely comparable to those of the other justices.

It is immediately obvious that the Court is divided into two wings on these personal liberty cases in a manner which conforms to the pattern of division whose development was charted in Table II. The four justices in the left wing, whose votes favorable to personal liberty claims range from Murphy's 94 per cent to Douglas' 63 per cent, are all well above the position taken by the Court majority in these 82 cases, which was only 49 per cent favorable. The votes of the seven right-wing justices all fall below the majority position, ranging from Stone's 43 per cent to Vinson's zero.

A second fact brought out by the table is the generally close correspondence between the positions of individual justices on the two types of personal liberty issues, which indicates that the two categories of cases have been decided within the framework of the same set of values. In the case of only two justices, Rutledge and Frankfurter, is there a substantial variation in degree of support for the two types of liberties.

Objection may be registered to this type of analysis on the ground that the mere fact that justices disagree in disposing of a case presenting a personal liberty issue gives no assurance that their disagreement is actually grounded in a difference of attitudes on that issue. For it is a rare controversy in which two or more issues are not imbedded. As McCune says: "Each case is a wheel within other wheels. The Court accepts for decision mostly those cases that are not clear cut; it seldom gets a crack at a simple one. One principle seldom disposes of a case; others cut across it sharply, touch it at angles or impinge on it with a broad sweep."⁵

Take, for example, the *Girouard* decision, where the majority of the Court overruled several previous decisions and approved the naturalization of a conscientious objector.⁶ In this case, Chief Justice Stone dissented from the very position he himself had subscribed to fifteen years earlier. His explanation was, not that his zeal for civil liberties had diminished or was less than that of the current Court majority, but that in his opinion Congress had, by failing to amend the naturalization act, ratified the earlier Court view of which he had disapproved. It thus appeared that it was Stone's greater deference to congressional action (or inaction) that led him to a conclusion opposed to the strong civil liberties view of the Court majority.

Nevertheless, it does not follow that the *Girouard* case tells us nothing about the strength of Stone's attachment to civil liberties. For the members of the *Girouard* majority were also aware of the same claims for legislative deference to which Stone yielded; but their concern for civil liberty was strong enough to override them. The percentage ratings in Table III can thus be taken as a reliable index of judicial attitudes, in the sense that they measure the tenacity with which the justices have upheld the libertarian position against the claims of competing values.

One method of bringing out these competing values in personal liberty cases is to divide the controversies according to whether they involve state or federal action. When this is done for the civil liberties cases (Table III, columns 3 and 4), it becomes apparent that Douglas and Black were much more positive libertarians in state than in federal cases. Their lower vote in federal cases was due partly to their refusal to believe that application of the Sherman Act and the Fair Labor Standards Act to the press was a threat to freedom. Also in seven wartime liberty cases (involving

⁵ Wesley McCune, *The Nine Young Men* (1947), pp. 56-57.

⁶ *Girouard v. United States*, 328 U.S. 61 (1946).

treason prosecution, Japanese evacuation, and denaturalization or other penalties for Nazi sympathizers), Douglas supported the government in every instance, while Black did so in five. Stone likewise was markedly more positive toward civil liberties in state cases, largely because of his support for the claims of Jehovah's Witnesses. Roberts had a curious record, the only liberties he considered worthy of protection being those of evacuated Japanese, indicted Nazis and Nazi sympathizers, and the Associated Press.

A similar division between state and federal cases involving procedural rights in criminal prosecutions is made in columns 5 and 6 of Table III. Here the most interesting disclosure is Frankfurter's and (to a lesser degree) Jackson's higher standard for federal than for state prosecutions, while the reverse tendency appears to operate in the cases of Black and Douglas. Obviously, the desirability of the states retaining control of their own standards of criminal prosecution is a value which Frankfurter rates considerably higher than do Black and Douglas. When federal cases only are considered, it is noteworthy that all three of these justices have the same voting records, and in some instances Frankfurter exhibits more concern over protection of procedural rights than Black and Douglas, as in the recent federal search and seizure cases.⁷

Economic Issues. A second source of non-unanimous opinions, and the most important numerically during the past six terms, has been cases concerned with the regulation of business and labor. Of the 477 disputed decisions since the 1941 term, 60 have involved actions of federal regulator agencies (excluding the NLRB and the Wage and Hour Administration), 88 have presented employer-employee controversies on the state or federal level, 21 have been anti-monopoly cases arising under the Sherman Act and related federal legislation or the patent laws, and 22 have concerned state regulation or taxation of business. A total of 191 cases is included in these four classifications, or 40 per cent of all the non-unanimous decisions during the period.

The judicial alignments on these economic issues are given in Table IV. Because the voting record on the ICC differs from and tends to be the opposite of that prevailing for other federal regulatory agencies, ICC cases are analyzed in a separate column, which gives the per cent of votes unfavorable to that agency.

It is a striking fact that on all these issues the four left-wing justices take a position more positive than the majority view of the Court, while with few exceptions the other seven justices fall below the Court average. The division is clearest in the labor and anti-monopoly cases, operates with only one exception in attitudes against the ICC (Roberts), and with only two exceptions (for the Court's two newcomers) in the other federal

⁷ *Zap v. United States*, 328 U.S. 624 (1946); *Davis v. United States*, 328 U.S. 582 (1946); *Harris v. United States*, 67 S.C. 1098 (1947).

TABLE IV
ALIGNMENTS OF JUSTICES IN NON-UNANIMOUS ECONOMIC
DECISIONS, 1941-46 TERMS

	<i>Pro Fed. Reg.*</i>	<i>Anti ICC.</i>	<i>Pro Labor</i>	<i>Anti Monop- oly</i>	<i>Pro State Reg.</i>	<i>Total Economic Cases</i>
No. Cases	34	26	88	21	22	191
Ct. Majority	59%	35%	68%	43%	55%	58%
Black	93	56	93	100	86	88
Douglas	75	73	86	95	77	82
Murphy	76	46	94	88	81	82
Rutledge	66	50	88	93	55	75
Reed	56	31	66	19	45	52
Burton	75	33	32	43	30	41
Frankfurter	47	15	44	5	64	39
Jackson	46	17	52	8	19	38
Stone	33	22	32	33	62	34
Vinson	100	33	27	40	22	34
Roberts	0	58	5	0	10	12

* Excluding NLRB and Wage and Hour Administration cases, which are included in the Labor classification.

regulatory cases. The line-up on state regulatory and tax cases is a little more jumbled, because these present not only economic issues, but also the broad constitutional question of federal judicial control over state economic policies. The fact that Frankfurter and Stone depart from the right-wing position they maintain on other economic questions can be attributed to their adherence to the Holmesian doctrine that the Fourteenth Amendment should not be used to hobble state legislative decisions.

There is a general correspondence between judicial attitudes on the economic and personal liberty cases, as is evident in Table V, which translates the percentage figures of Tables III and IV into terms of positive and negative deviations from the position of the Court majority. While the deviations of each justice from the majority view are invariably in the same direction for both categories of issues, there are some interesting variations in the relationships between the deviations of individual justices. In the Court's left wing, Black and Douglas are seen to be considerably more positive on economic than on personal liberty issues, whereas the reverse is true for Murphy and Rutledge. In the right wing, Reed is quite close to the majority view in the economic field, but deviates sharply on personal liberty cases. Stone and Roberts show the opposite tendency, with Roberts being by far the most extreme member of the right on economic issues. The records of Burton and Vinson are based on too short a period of service to be very reliable indexes to their attitudes.

TABLE V

DEVIATION OF JUSTICES FROM POSITION OF COURT MAJORITY IN PERSONAL
LIBERTY AND ECONOMIC CASES, 1941-46 TERMS

	<i>Personal Liberty Cases</i>	<i>Economic Cases</i>	<i>Total Cases</i>
No. Cases	82	191	273
Murphy	+45	+24	+31
Black	+17	+30	+26
Douglas	+14	+24	+22
Rutledge	+34	+17	+22
Reed	-21	- 6	-10
Frankfurter	-15	-19	-18
Jackson	-19	-20	-19
Stone	- 6	-24	-19
Burton	-33	-17	-23
Vinson	-49	-24	-31
Roberts	-20	-46	-38

Conclusion. This analysis has demonstrated that significant divisions of opinion, and probably the most significant on the Court, have occurred over the past six terms in cases involving civil liberties, rights of criminal defendants, federal regulatory action, employer-employee controversies, anti-monopoly issues, and state taxation and regulation problems.⁸ One hypothesis for explaining these divisions is that on these questions of public policy the justices have conflicting preferences, and that they vote as they do in order to promote the policies in which they believe. According to this explanation, attitudes on civil liberties, labor, monopoly, and the like are the primary values in terms of which the judges have made their decisions. The strongest support for this view lies in the fact that attitudes on these issues have been shown to be interrelated, so that a justice who votes more often than the Court majority to protect civil liberties is also more ardent in opposing monopolies, and so on. Thus individual judicial positions appear to be related to general underlying

⁸ There can be little doubt that the Court divisions in these 273 non-unanimous cases, representing 57 per cent of all the disputed decisions handed down since the 1941 term, represent the prevailing structure of opinion on the Court. In the remaining 43 per cent, there is a wide scattering of issues, on most of which no clear pattern of division emerges. For example, there were 44 non-unanimous decisions during the six-year period involving federal taxation. Six of the eleven members of the Court were within ten percentage points, one way or the other, of the majority position of the Court on these cases, which was 70 per cent favorable to the government. Black was the only member of the Court to be substantially more favorable to the government (82 per cent), while Stone, Vinson, Burton, and Roberts were substantially less favorable to the government, Roberts voting for the government only 33 per cent of the time.

patterns of opinion, which can be described as liberal or conservative, since these are the labels commonly applied to designate opposing patterns of preferences on public policy issues.

It is, of course, in liberal-conservative terms that the Court's divisions have been customarily described in the past. And there is no reason why such differences should not persist on a Court which has shifted much farther to the left. It has been suggested by some students of the Court, however, that the present split is not primarily along liberal-conservative lines, but is rather a battle of judicial activists against apostles of self-restraint.⁹ According to this second hypothesis, the division is between justices who treat judicial decisions as matters for free legislative choice and those who decide cases on the basis of accepted legal or constitutional principles. As evidence of how the principle of judicial self-restraint can be treated as a primary value, there may be cited Justice Frankfurter's fairly consistent adherence to the principle of judicial deference to state legislative and judicial actions, application of which may yield a conservative result, as when it supports a state law requiring the registration of union organizers, or a liberal decision, as when it upholds a controversial state tax law.¹⁰

There can be no question that all the justices are impelled, more or less often, to arrive at results in their decisions which they would never reach if they had the freedom of legislative choice. But the range of discretion which is available to a member of the Court is quite wide enough to permit his personal values to exercise a controlling influence in a considerable proportion of his decisions, and evidence is lacking, despite protestations to the contrary, that any justice has been able to avoid writing his personal preferences into law. The light which the data of this study can throw on the tremendously complex workings of the judicial mind is limited, but its feeble gleam indicates that the basic pattern of division on the present Court, though expressing itself in new kinds of issues, and badly complicated by the presence of contrasting values, is still between conflicting systems of preferences on matters of social and economic policy. *Plus ça change, plus c'est la même chose.*

⁹ See especially Arthur M. Schlesinger, Jr., "The Supreme Court: 1947," *Fortune*, Jan., 1947.

¹⁰ Justice Frankfurter himself obviously subscribes to this view of his judicial decisions. "Were my purely personal attitude relevant," he wrote in his dissent to the second flag salute decision, "I should wholeheartedly associate myself with the general libertarian views in the Court's opinion. . . ." (*West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943)). And when the case of Willie Francis, the Negro who failed to die on his first trip to the electric chair, came up, Frankfurter said that if he voted to save Francis from a second trip, "I would be enforcing my private view rather than that consensus of society's opinion which, for purposes of due process, is the standard enjoined by the Constitution" (*Louisiana ex rel Francis v. Resweber*, 67 S.C. 374, 1947). He did not explain how he knew what was the "consensus of society's opinion" on a question that admittedly had never arisen before.

INSTRUCTION AND RESEARCH

A LABORATORY METHOD FOR TEACHING PUBLIC ADMINISTRATION

ROBERT H. CONNERY

Stanford University

Few American political scientists have heard of the "Federal Labor Relations Commission," but to a small group of students at Stanford and Columbia Universities the Commission was very real. It is true that its work did not attract as much attention from the great metropolitan journals as did the operations of its rival, the National Labor Relations Board; but to the students who were members of its staff it provided a first-rate laboratory for the study of public administration. For that reason, a brief review of the Commission's operations may be of some interest to teachers of public administration.

Political scientists have always been interested in teaching methods; and the war and the experience gained in having to train large numbers of men for the armed services seem to have stimulated that interest. Articles which appeared in the June issue of this REVIEW were evidence of that concern. While these articles were directed primarily toward teaching methods in political science courses generally, many of the suggestions were particularly applicable to teaching public administration. Francis Wilcox's regret that "there is one problem in particular which should give us pause, our slowness to utilize laboratory methods in political science," is largely responsible for this article, since the operations of the Federal Labor Relations Commission were an attempt to provide such a laboratory.

Reliance upon lectures alone is probably less satisfactory in the field of public administration than in any other area of political science. Students usually have not had much personal experience with the problems of public administration. Frequently they lack sufficient knowledge of what the government does to appreciate the size of governmental problems. Statistics in millions and billions of dollars or in hundreds of thousands of employees are so far beyond the grasp of imagination that they mean little. Arthur Macmahon used to say that if an instructor could simply make an undergraduate class in public administration appreciate the nature and complexity of governmental activities, a great deal would have been accomplished.

The chief objection to the lecture method, however, is that it entirely omits one of the most important elements in administration, i.e., the factor of human relations. None of the struggles for power is present in the

lecture room, none of the prestige rivalries that so clearly characterize actual administration. There is no necessity for getting along with people, which some of our successful administrators have stated is the most important single quality in making a good administrator. Power drives are present in every human undertaking, but a student who has not experienced the clash of personalities and the struggle to attain personal goals may be profoundly shocked and disillusioned upon his first contact with an administrative agency. If we teach him principles alone and fail to develop a sympathetic understanding of the human element in administration, we leave him ill prepared for a successful career as a civil servant.

Even for advanced graduate students who presumably are familiar with the character and scope of government activities, the customary approach to teaching public administration is unrealistic. Topics are discussed serially, and organization, personnel, budget, accounting, and public relations are considered separately. Unfortunately, in actuality an administrator is faced with many of these problems at the same time. The budget depends upon personnel requirements; personnel requirements depend upon field organization; and field organization upon enforcement policies. Thus the normal approach to teaching public administration tends to over-simplify the administrative process. While it may be important in the early stage of instruction to isolate individual problems, there would seem to be some better method of instruction for advanced students.

In an endeavor to overcome some of these difficulties, interesting experiments have been conducted in the use of the case method. The work of the Committee on Public Administration of the Social Science Research Council under the chairmanship of Louis Brownlow, and later William Anderson, in preparing case reports is well known. Charles Ascher, Patterson French, Joseph McLean, and other members of the staff of the Committee collected a number of case studies of various aspects of public administration with which we are all familiar and which have proved most useful. At Harvard's Littauer School, Pendleton Herring experimented in the use of the case system in his seminars. He used cases of his own collection which were considerably more detailed than those prepared by the Public Administration Committee. Frequently he was able to have the administrator whose case was discussed present in his seminars. Other case studies at much greater length have been published by the Committee or independently.¹

¹ See, for example, these Committee publications: V. O. Key, *Administration of Federal Grants to States*; John Millett, *Works Progress Administration in New York City*; R. H. Connery, *Administration of an NRA Code*; Arthur W. Macmahon and others, *Administration of Federal Work Relief*; as well as Marshall E. Dimock, *The Executive in Action* (New York, 1946).

The case method, however, has one very obvious limitation in the difficulty of obtaining complete and significant cases, as those who have struggled with this problem have testified.² In actual administration, the facts surrounding a problem may be quite involved, and they usually include, consciously or subconsciously, the very important consideration of personal relations. The problem, therefore, is to find a method that will give a student the most complete set of facts, force him to a decision, and permit him to observe the results of his decision.

In an attempt to find an answer to this practical teaching problem, the Federal Labor Relations Commission was established as a public administration laboratory during the winter quarter of 1946-47 at Stanford University, and the experiment was repeated under somewhat different conditions at Columbia University during the ensuing summer session. In each case, the students organized an administrative agency to enforce a hypothetical federal statute based largely on the Taft-Hartley law, to which were added some even more dubious bits of labor legislation then being discussed in Congress. The act provided for licensing labor unions, forbade contributions to political campaign funds, required union officials to be representative of their union, and prohibited the inclusion in labor agreements of provisions injurious to the consumer. The act further provided for a Federal Labor Relations Commission of three members, appropriated funds for the first six months of operation, and fixed penalties for violations of the Commission's rules and regulations. The instructor purposely included some provisions in the act which in his opinion were unenforceable.

At the very beginning, the class was confronted with the problem that every new administrative agency faces—what does the statute mean and what will be the most effective administrative organization to enforce it? Consequently, these were the first questions discussed. Then the students selected the members of the Commission, who in turn chose the staff. Each student acted as a permanent division or section chief and in addition served on the staffs of other divisions as need arose. The Commissioners had primary responsibility for the day-to-day work of the staff. They defined objectives, fixed priorities, settled disputes, chaired the daily staff conference, and coordinated work generally. Sometimes one or two consecutive meetings were given to discussion of the problems of a single division, although frequently there was a rapid run around the circle with each division chief reporting. The Commissioners were responsible for the agenda, depending upon what they considered the proper priority of problems. As far as possible, the professor retired to the sidelines and assumed the rôle of a consultant. Student administrators were allowed wide discre-

² William Anderson, "Report of the Committee on Public Administration," *Research in Public Administration* (Chicago, 1945), p. 28.

tion in making decisions, even decisions with which the instructor did not agree. They were encouraged to discover their own sources of information, but were required to submit bibliographies of source material when they reported upon various problems.

Fortunately, both Stanford and Columbia have good library facilities in public administration, as well as in business administration. Little difficulty therefore was found in discovering pertinent material. The relatively minor problem, for example, of office layout and space control resulted in an impressive bibliography. Usually the problem was to find a way of analyzing quantities of material quickly; but this problem is one that every administrator must meet. It might be noted in passing that students, when faced with the necessity of making a report and reaching a definite decision, pursued library sources with more than ordinary interest. Students also were encouraged to consult federal officials, and especially staff members of the National Labor Relations Board, who were most helpful. In the class problem, however, students were faced with a sufficiently different set of facts so that the solutions adopted by the NLRB could not be followed blindly.

Both at Stanford and at Columbia, outside experts were available to attend some of the class sessions. At Stanford, when the Commission's preliminary budget was ready, Joseph Rupley, chief field officer for the U. S. Bureau of the Budget on the West Coast, had dinner and spent an evening with the class. During this session, Mr. Rupley held a budget hearing approximating the hearing which the Bureau of the Budget would hold for a new agency. Afterwards he and his staff generously gave of their time in the preparation of the Commission's first annual budget. At a later date, when the enforcement director had perfected his plans, John Dille, regional director of the U. S. Wage and Hour Administration, and members of his staff spent an evening with the group and examined the plans for enforcement. Toward the close of the quarter, Thomas Spragens, assistant to the president at Stanford and former member of the staff of the U. S. Bureau of the Budget, studied the Commission's personnel and training programs and made a realistic appraisal of their efficiency. Similar federal officers were brought to the sessions at Columbia University. John Haslet, management engineer for the Shell Oil Company in New York City and formerly of the U. S. Veterans Bureau, was particularly stimulating in his analysis of the organization and planning program of the Columbia group. The use of these outside experts proved very helpful and in a sense put the class on its metal.

It was interesting to note that in each class a considerable amount of competition developed at an early date between division chiefs. For example, at the first meeting of the Columbia group the newly chosen administrative officer attempted to obtain approval of procedural rules which would make him the sole channel of communication between the

Commission and the other division chiefs. The Stanford group was less aggressive in the beginning, but once the project got under way, clearly showed in its day-to-day operations a certain natural struggle for power. At the same time, each class soon came to realize the extent to which administrative problems are interwoven and how dependent they are upon each other. Budget officers found that they could not present a satisfactory budget until they had some idea of what personnel requirements would be. The enforcement director demanded that the Commission establish objectives and fix priorities of importance, so that he could forecast both personnel and budget needs. The need for fixed procedures early pushed the Commission as a whole into preparing manuals and clarifying the administrative process for enforcement. As students faced these various problems, they were directed to existing case studies; but they already had a broad background of additional facts to assist them in evaluating the solution suggested by the case reports.

The success of the laboratory method in attaining its objectives was most encouraging. The students undoubtedly worked much harder and with much greater enthusiasm than they would have done in a lecture course in public administration. (The writer hastens to add—so did the instructor.) Students were much more interested in arguing about their problems and spent a great deal more time in out-of-class conferences among themselves than would occur in a normal academic course. Indeed the out-of-class interest of the students was probably the most important single result of using this teaching method. The students were remarkably serious about their work. Since in most cases this was their first actual administrative assignment, they had not had an opportunity to develop a philosophic resignation about struggles for power. The budget chiefs in both classes, for example, struggled desperately, although it must be remarked with only limited success, to bring the Commission's first six months budget under control. They complained bitterly about constant changes in their colleagues' policies. They viewed an accurate budget as a life-and-death matter. At first, they were very loath to appreciate the necessity for flexibility in their colleagues' plans, although toward the end of each course a spirit of coöperation developed which in a regular administrative agency would have been remarkable.

The group at Stanford numbered thirteen, all GI's and all having had a number of courses in political science before taking this one. The summer school class at Columbia numbered twenty-two, and, as might be surmised, was less homogeneous than the Stanford group. Several of the Columbia group, however, had had considerable experience with administration in Washington. One student, a lieutenant colonel, had been training officer for a relatively large Army program; but there were others in the class wholly inexperienced with administration and for whom the course was virtually a first introduction to the subject. As might be sup-

posed, students in this latter group faced considerable difficulties; yet they, too, showed exceptional enthusiasm and interest in administration. The laboratory method, nevertheless, operates best with a relatively small group of selected advanced students. An instructor must be prepared to give more than the usual amount of time to conferences with the Commission and individual members if the project is to be successful. While in theory the class is run by the students, in fact the instructor must constantly guide the work of the Commission to achieve the best results. Not only must the students experience problems of administration, but they must realize what problems they are experiencing. This requires a certain pointing up of the daily conferences, which the instructor alone is qualified to do.

In both the Stanford and Columbia courses, a management survey was undertaken during the closing weeks of the quarter. As various division chiefs expanded their activities, it was almost inevitable that there should be some overlapping of function, some pirating of activities, and some excessive personnel. As the work increased, the Commission showed signs of losing control over some of its activities, chiefly because of the difficulty of maintaining effective liaison between the Commission and the work of the divisions. It seemed perfectly natural, therefore, for the Commission to decide upon a management engineering survey and a reorganization of the administrative structure. To make the survey, management groups composed of those students who had held the least important posts during the quarter were appointed. This project opened up a whole new field of thought and discussion. It required planning and examination of an extensive field of literature. It aroused opposition from the division chiefs who felt that their attention was being distracted from their main duties to answer the inquiries of the survey group. It forced the survey teams to work out a method for overcoming the opposition of the division chiefs, and thus provided an excellent problem in handling human relations. Fortunately, the program worked out by the Veterans Administration in coöperation with the U. S. Bureau of the Budget was available to the class, and it proved most useful.

Had there been time, it would have been possible to create other hypothetical situations. One could assume a congressional economy drive or a reduction in personnel ceilings which would require drastic reorientation of the whole program of the Commission. It probably would be possible to bring representatives of the industries or the labor unions affected by the act before the Commission for hearings. Another possibility would be to presume a congressional amendment of the basic statute. None of these was attempted during the existence of the Federal Labor Relations Commission, because of limitations of time. The basic administrative problems were difficult enough in themselves to absorb the attention of the class during the whole of the quarter. The laboratory

method, however, offers a flexible means of adjusting course content to length of the course, the ability of the students, and the library facilities available.

One objection which may be offered to the use of laboratory methods is the difficulty of determining student grades. While admittedly this method requires new techniques, it is not nearly as difficult a problem as might be anticipated. Students in both classes were required to keep a file of all reports and memoranda that they submitted to their colleagues, and these files were examined by the instructor at the conclusion of the course. In addition, each student was required to write a short paper during the last week of the course outlining the problems that he would anticipate in organizing a new administrative agency and the methods he would use in solving them. This paper not only served as a standard of measurement of the student's abilities, but at the same time required him to organize in his own mind what he had learned from the course. Since the students themselves had an excellent opportunity to observe their colleagues' abilities in out-of-class discussion, the Stanford students were required to grade each other in a secret ballot. This procedure was also a test of the student's ability to judge the administrative skill of his colleagues—an ability which every good administrator must possess.

It is recognized that there is nothing particularly novel about the theory of learning by doing. The laboratory method, however, applies this theory in a form which may be very useful under certain conditions. It uses the case system, but it offers a stimulus to the realistic and critical examination of the cases. It applies the same basic principle of learning that is used by the intern system, but under the controlled conditions of a laboratory. By permitting the instructor to determine what problems of administration will be studied and how they will be studied, it insures more careful selection and coverage of problems than the average intern experiences. Finally, the laboratory method is a flexible method that can be adapted to the intelligence and ability of the class and the facilities of the university or of the geographical area in which the course is given. It is hoped that the Stanford and Columbia experience may stimulate further experiments in the use of this method.

CITIZENSHIP EDUCATION AND THE COLLEGES

ROBERT A. WALKER

Director, Institute of Citizenship, Kansas State College

One of the happier educational products of the war was the widespread self-examination it encouraged among American colleges. With the war-time slump in enrollments, those members of the faculty who remained on

the campus were commonly given the task of planning the postwar educational programs of their respective institutions. We are now in that postwar period, and much of this admirable effort has been dropped to grapple with the heavy enrollments the schools were presumably planning to meet. But in many schools, whether the curricula underwent any major operations or not, there remains a ferment of doubt and argument over the adequacy of what they are doing.

This ferment is not likely to die out soon. Colleges which brushed aside the polemics of Mr. Hutchins at Chicago a decade ago are still agitated by the Harvard Report on General Education.¹ Harvard, like the College of the University of Chicago, is proceeding to make major departures from the prevailing practices of American colleges. Columbia College has paced the adoption of integrated courses in Western Civilization. Massachusetts Institute of Technology, guiding light of American technical schools, has discovered that engineers should also be liberally educated men and has made curricular changes designed to do something about it. The University of Florida and Michigan State College have moved sharply in the same direction, more or less independently, by creating basic colleges through which all would-be technicians and specialists must percolate before burying themselves in their chosen profession. Other schools are instituting comprehensive courses, tightening up the elective system, and otherwise taking steps to insure that general education is not lost in the scramble to prepare for a job.

Meanwhile, critics and defenders of the collegiate status quo have alike taken to print to debate these changes and the ideas behind them. Thus there has been a stream of books on higher education during the past few years.² Assuming that some educators read books about the aims of education, these are bound to add to the ferment on your campus and mine.

These portents of unrest in American colleges call attention to the period

¹ Since this was written, the President's Commission on Higher Education has added an important variation on the same theme. The Commission's proposals for lessening the economic barriers to education, through federal assistance, will add new vigor to the debate over what should be taught. Its emphasis on citizenship as a factor in college education is pertinent to the argument advanced in the present article.

² Cf. Alexander Meiklejohn, *Education Between Two Worlds* (1942); Robert M. Hutchins, *Education for Freedom* (1943); Mark Van Doren, *Liberal Education* (1943); Jacques Maritain, *Education at the Cross Roads* (1943); Wallace B. Donham, *Education for Responsible Living; The Opportunity for Liberal Arts Colleges* (1944); "Higher Education and the War," *Annals of the American Academy of Political and Social Science*, Vol. 231 (Jan. 1944); Jacques Barzun, *Teacher in America* (1945); Benjamin Fine, *Democratic Education* (1945); Sidney Hook, *Education for Modern Man* (1946); Howard Mumford Jones, *Education and World Tragedy* (1946); Lyman Bryson, *Science and Freedom* (1947).

of change and impending change in which we stand. The wartime rash of curriculum-revision committees was only one phase of a larger movement. But these committees and the faculty discussion which they prompted performed an indispensable service—they demanded of college faculties that they ask themselves what they were doing and why. These are unsettling questions. Since most professors are specialists, they are prepared to answer that they are teaching their specialty as best they can and that it is one of the most important subjects in the catalogue. When you start to revise curricula, however, you are taking the professor out of his field and asking him to relate it to a lot of other subjects, subjects taught by colleagues who also think their specialty is terribly important. You are asking him to decide which things ought to come first and which come second, third, fourth, etc. This is upsetting, and it is a task for which few faculty members are adequately prepared. Hence they feel an understandable urge to be off to their next committee meeting and leave the theorizing to someone else. They have, in fact, left much of the theorizing, and thus the educational leadership, to deans and presidents. But, unhappily for the professors, the responsibility is still theirs.

While they may look to the administration for leadership, they must none the less face some of the basic educational problems of our time if they are to be more than obstructionists on the one hand, or rubber stamps on the other.

We are, then, in an era of educational soul-searching, and the outcome depends on the wisdom displayed by college faculties. The first requirement in acquiring such wisdom, it seems to me, is for the professors to come out of their specialized laboratories and libraries for a look around the educational horizon. Before we can consider the defects in present educational practices, or locate our special field in relation to others, we shall have to decide what we are trying to do in college education. One of our primary difficulties is that we do not really know. The colleges are trying to be all things to all people, to meet all demands, and to keep every possible student in college. Within limits, this attitude is commendable; but the college has a greater responsibility than simply to multiply its offerings wherever student demand arises. The faculty should know more about education than an adolescent.

Without some idea of what a college is for, we lose our guide-posts in weighing the demands made upon us. At the present time, we have several competing ideas of the function of a college badly snarled up. Among them are preparation for a job, development of character, making useful contacts, giving the young people four happy years, and—usually last—preparation for citizenship. Since most educators have now convinced themselves that character is all formed before college age, since the students manage to make contacts and have a good time without our help,

and since preparation for citizenship is a vague business at best, the simple and obvious thing to do is to devote the college years to preparation for a job. This is made the easier for us by the conviction among entering students that college has one big value, i.e., college graduates make more money than other people. Any timid voice suggesting that college might be a place to get new ideas, to learn to think, and to gain some insight into the principles of human knowledge is drowned out by the specialists on our faculties. They proclaim the age of specialization, in which no technician is adequately prepared who has not had four or five years of technical training. If other things get squeezed out of the curriculum, that may be too bad, but after all our graduates must first of all be good technicians.

This I deny. Our graduates must be first of all good citizens in a democracy. If they wish also to be technicians, let us provide good technical training. But I hold that such training must be secondary and subordinate to good preparation for citizenship and civic leadership. I believe, too, that preparation for citizenship is the unique function of liberal education. From this, two important things follow: (1) every college should provide a liberal education for all of its students, and (2) the special function of the liberal arts college is to prepare its students to be active and intelligent citizens. In so far as the liberal arts college permits vocational and technical courses to take over its curriculum, it is prostituting its primary purpose.

It is unfashionable today to talk about some things being first in importance and others being second, third, and so on. The academic cliché of our time is that all studies are equally important. Hence the propositions above laid down demand some elaboration.

First, note that I have not said that specialization is unimportant. I have said only that it is secondary. In an age of specialization, it is obvious that we must have engineers, doctors, lawyers, accountants, agronomists, dieticians, and a host of other experts. It is equally obvious that their training must be adequate for their specialty. My only point is that we must discontinue the practice, now widespread, of omitting practically all liberal education from technical curricula in order to encompass the requirements within the traditional four years. If this means lengthening the period of education, let us face that fact. We do not try to prepare doctors or lawyers in four years. When I say that specialization is secondary, what I mean is simply this: it is essential that all students have the education which will equip them to assume the responsibility that all will have as citizens in a democracy; it is not essential that all be specialists. The society which supports our colleges has a right to expect that we as educators will put this civic competence above all other considerations.

Assuming that we are in agreement on this point, let us look more

closely at my second major proposition, which is that preparation for citizenship is the unique function of liberal education. It seems to me that much of the confusion that arises when we attempt to define the purpose of liberal education, or of a liberal arts curriculum, arises from our failure to perceive this point clearly. When they set out to develop a curriculum, the technical and professional schools and departments suffer from no such uncertainty. They know what they are trying to do. They intend to turn out a good lawyer, a good doctor, a good agronomist, a good engineer, or a good dietician. Their reputations will be determined by the proficiency of their graduates in these fields. But what are we attempting to do when we work out a program for liberal education? The study of history, literature, the arts, government, economics, philosophy, and other aspects of our cultural heritage produces no technicians, at least at the undergraduate level. When the student asks, "What can I do after I graduate if I just get a liberal education?," we are at a loss. The answer, it seems to me, is that the purpose of liberal education is to aid the student to be a good man and a good citizen, and the fundamental importance of these is sufficient reason for getting a liberal education.

The difficulty in persuading a student that he should have a liberal education is that he lacks the background to see its importance and we educators cannot allot it a monetary value. As a matter of fact, the qualities of understanding and judgment which a liberal education cultivates are a major factor in material success. The student, however, insists on taking what he regards as a "practical" course of study. In a materialistic society, and under a free elective system of education, this puts liberal education in an impossible spot, and largely accounts for the present low state of the liberal arts in college curricula. But if it is true that the purpose of liberal education is to assist students to be good men and good citizens, it follows that it is too important to leave to the chance selection of immature minds. Liberal education needs to be a required, not an optional, part of every college student's program. The colleges have, above all other institutions in our society, the responsibility for insuring that our future professional, business, and political leaders are liberally educated men and women, with the moral and intellectual qualities which that involves. The larger colleges and universities have, in addition, the function of professional and technical education. The liberal arts colleges, as such, have no other important function. Since it is appropriate that a great many more persons have a liberal education than continue with professional or technical work, this is in no sense a matter of assigning the liberal arts college an inferior status. As I have already said, its function is of primary, not secondary, importance.

What I have been saying raises the question of whether our present liberal arts curricula deserve a position of primary importance in college

education. In general, I think the answer is an emphatic "No!" Neither in content nor in the methods used to teach them do the collection of courses now commonly grouped in a liberal arts curriculum add up to the education of the good man and the good citizen. Perhaps I can make this clear if we look for a moment at the demands made upon a good citizen in a democratic state.

A good citizen in a democracy must be willing and able to participate in the discussion and solution of public issues. He has to be more than a "good egg"—an inoffensive fellow who obeys the laws, mows his lawn, supports his family, and goes to church on Sunday. These things may be desirable, but they are not enough. Nazi Germany, you will recall, was built on a nation of home-loving, law-abiding citizens. In a democracy, citizens must also take part in securing the best possible solution of the public issues which confront them. To the extent that citizens do take part, we have a democracy; to the extent that they do not, we have a tyranny—a tyranny of special interests, of political bosses, of a minority in our society.

It is not enough, either, for citizens merely to be willing to participate. If they are stupid, misinformed, unjust, intolerant, unable to think for themselves, fearful of getting out of step, the result is as bad or worse than if they stayed home. Our greatest danger, as a matter of fact, lies in this direction. Getting out the vote is no virtue if those who come out vote only as someone tells them, vote their private interests, vote their prejudices, or vote because they are frightened. In brief, a good citizen must be able to exercise his vote intelligently.

What does this ability to participate intelligently involve, and what can the colleges do about it? To answer the first question will go a long way toward answering the second. I believe intelligent participation in civic affairs involves four basic things.

First is the ability to inform and express oneself on the issues of the day. This means that a citizen must be able to read discriminately, to listen carefully, and to express himself coherently. He may even have to write occasionally.

Secondly, he needs to know how to think clearly. He must be able to detect flaws in arguments, both his own and those advanced by others. He should be able to detect propaganda, appeals to emotion, and logical fallacies.

Thirdly, he should be acquainted with the background of ideas and beliefs out of which our social and political institutions have grown. He should know what the greatest and most influential thinkers have had to say about the basic problems that confront mankind. He should know why men have held that democracy is the best form of government, and he should know why other kinds are inferior. The perspective gained by

knowing how we got where we are today is the soundest possible basis for evaluating new ideas or discovering the old fallacy in modern dress.

Finally, only a moral person can be a good citizen. He must be moral in his acts as well as in his public pronouncements. Without moral standards to guide him—standards which he puts above his ambition for power, prestige, and profit—there is nothing to insure that a citizen will not support injustice, intolerance, intemperance, and cupidity if he has anything to gain by it. I hardly need argue that democracy is based on the assumption that men *will* put justice, tolerance, and honesty above private advantage. It is almost equally obvious that all too many of them today do exactly the opposite. This want of individual morality is the greatest hazard we now face in America.

The four basic elements in intelligent citizenship, then, are ability to inform and express oneself, knowing how to think, acquaintance with our political and social heritage, and applied moral standards. I should like now to look at these capacities or abilities again from our viewpoint as educators, for I believe that in them we have also the elements of a liberal education and a basis for evaluating what we are now doing.

Reading, writing, listening, and speaking have been the liberal arts from time immemorial, and one of the few things that practically all American colleges require in common is freshman English and effective speaking, or their equivalents. But despite this residual recognition of their importance, we are doing a notoriously bad job of teaching students to read prose of moderate difficulty, to write concise and coherent English, or to take part in intelligent conversation. Having relegated concern for written and spoken English to the English department, we ignore it elsewhere in the curriculum. Instead of asking students continuously to improve their reading ability, and to raise the level of what they read, we assign them textbooks written so a tenth grader can readily understand them. Most of them are terribly dull and carry a virtual guarantee to kill any incipient reading interest that might have survived the high-school textbook routine. They demand only memory, not skill in following an argument, locating important ideas, or otherwise advancing the ability to inform oneself from the written word. Too much college reading, in the social sciences at least, is for information rather than for understanding.

Our neglect of student interest in good books is a tragedy of modern college education. Innumerable students have told me wistfully that they wished they had time to read some of the good books that get mentioned in their courses. But they are so busy soaking up facts and figures from textbooks and lecture notes for the next quiz that such reading is impossible. The chance to establish an invaluable habit passes for want of encouragement. Likewise we miss the boat in cultivating the art of speaking. We give a lot of courses in formal speechmaking, but we do practically

nothing to cultivate the ability to formulate ideas, develop an argument, and defend a position in spontaneous discussion. Yet this is the form that most adult discussion of public issues takes. Most of our education is purely passive. If the student is permitted to say anything, it is usually only to repeat what the lecturer or the textbook has said. Ability to express oneself in the give and take of democratic discussion is nowhere fostered except in an occasional bull-session far from the classroom.

Learning how to think, the second ability of a good citizen, seems to me equally clearly to be a part of liberal education. But under present academic procedures we seldom ask a student to think. We demand that he remember the high spots in the textbook or memorize what the teacher has said. In a great many cases, the student with the temerity to question either one gets a brisk brush-off. Our educational practices today are both authoritarian and superficial. Textbooks and lectures do precious little to foster questions, discussion, analysis, or comparison with other men's ideas. As a result, they frequently do nothing to the student's mind. What efforts we do make to teach students to think are usually confined to mathematics or the sciences. They usually emerge from these convinced that only mathematics or science is logical and that all else is prejudice, propaganda, or just a matter of opinion. The social scientists often do little to alter this conclusion. The application of logic to social and political problems is likely to be ignored in favor of propounding a favorite point of view or of drawing statistical generalizations from vast accumulations of facts. Our job in liberal education is to teach students *how* to think, not *what* to think, about social and political issues.

Acquaintance with our cultural heritage, the third element of good citizenship mentioned earlier, is certainly presumed to be part of a liberal or general education. We offer courses in the history of almost everything, including political thought, but as far as conveying an understanding of our political and social institutions is concerned, these numerous courses are seldom adequate. Here again the textbook is the dead hand of the present obscuring what the great minds of the past have to tell us. Good histories have been written, but they are seldom read by undergraduates because they are deemed too difficult. Great defenses of government by the will of the majority, the foundation of modern democracy, go unread because there is not time. A paragraph on John Locke, a few sentences on Jean Jacques Rousseau, perhaps a page or two on Thomas Jefferson, a passing reference to the Lincoln-Douglas debates, must do. Nothing remotely resembling an understanding of what these men said and why it is important can possibly result. Without understanding, there can be no conviction. Lacking conviction, all we can do is indoctrinate—have students mouth a few phrases from a Declaration of Independence they do not understand, have them read a text which ignores the moral issue

in the Civil War. This is the sorry substitute for understanding their political heritage which we offer to today's students and tomorrow's citizens.

Finally, I hold that teaching of the moral virtues is a part of liberal education, since it is an absolute necessity in the good citizen. I am not talking about religious education in the schools, because cultivation of the moral virtues is not and cannot be solely a prerogative of the churches. The moral virtues of honesty, justice, honor, tolerance, and courage are standards of social conduct, and can be understood without reference to any particular religion. Unless men live by these standards, the fabric of our civilization will disintegrate. They are a part of our intellectual heritage, of the accumulated knowledge which our schools should communicate to oncoming generations. Unfortunately, we now deal with moral problems chiefly by ignoring them. In some cases, we do seek to arouse a heightened sense of justice by highlighting some of the injustices in modern society. We may do the same for intolerance or dishonesty in our political and social institutions. If we survive the ensuing cry of communism, we can compliment ourselves on having made a contribution. But that contribution will be more enduring if we explore the meaning and validity of the moral virtues directly with our students. Perhaps we might even help them rediscover the ancient Greek and Christian idea that only a moral man is a happy man, and that personal rewards equal social benefits in applied personal morality.

In most of our colleges, we are far from the kind of liberal education I am talking about. But if it be agreed that the true purpose of a liberal education is preparation for citizenship, then I think we must conclude that changes designed to accomplish this kind of liberal education are sorely needed. Further than that, I think these changes are distinctly within the realm of possibility. There are many obstacles—the obstacles of specialism, of inertia, of lack of educational philosophy, and so on—but change is in the air, and we should seize the opportunity to make liberal education mean something constructive. Having done that, we should proclaim vigorously its importance in the educational pattern of a democracy. The liberal arts college should be at the forefront of such a movement; for while all colleges should require a liberal education for their students, it is the very reason for being of the liberal arts college.

Now what specifically can we do to put such a program into effect?

First, let us abandon the variety of different courses and curricula with which we confront the entering freshman. The introduction to each of the major fields of knowledge—the natural sciences, the humanities, and the social sciences, for example—should be an integrated and coördinated process. The idea that a freshman is as capable of choosing an academic program as is the faculty of the college is nonsense. Our aim should be to

develop understanding and to communicate a systematic body of knowledge in each of these fields, and it cannot be done by letting the students select an exclusively technical curriculum, the easiest courses, the most entertaining professors, or the minor segment of a larger field which happens to fall at the right hour. A great deal of progress has already been made in this direction at Michigan State College, the University of Florida, and Kansas State College, as well as at Chicago, Harvard, and Columbia. The comprehensive courses and college programs developed by these schools point the way.

A second, but equally important, step is to get away from sole, or even primary, reliance on textbooks and lectures in the years devoted to liberal education. In this, there is little evidence of change. There has been a good deal of talk about the use of discussion techniques in education, but lecture, textbook, and quiz remain supreme. Large classes, convenience, economy, habit, and professional self-protection all militate against change. Yet change must come. If we want informed citizens, we must accustom them to reading books and articles that advance and defend an argument on an intelligent level. If we want citizens who think for themselves, we must use materials that call for thought and methods that demand self-expression. Above all, if we want to interest students in politics and civic affairs, our teaching materials must themselves be interesting.

The Institute of Citizenship at Kansas State College has been working to put these ideas into practice. We are trying to find out whether college students in Kansas really can read books more difficult than tenth grade textbooks, whether they can learn to listen carefully to a statement of an idea, whether they can learn to express themselves clearly and intelligently, whether they can be taught the difference between emotional dogmatism and logical analysis in dealing with political questions. Despite a lot of dire warnings that "it cannot be done," we are happily finding that average students can do these things. They are doing them now at Kansas State.

Our technique is one of reading the most important books available in various fields of government and discussing them together. We are finding that the reading skill which students bring from high schools is often poor. But this simply means that we have the added job of teaching them to read. It does not mean, as general practice seems to dictate, that we go down to their level of reading ability and stay there. We find that with each group we have to clear the air anew of a lot of clichés, pat answers, and vague stereotypes with which they approach a political or social question. This is done, not by trying to tell them what they should think, but by a question and discussion method that usually leads the student himself to discover that his preconceptions are untenable. In other words,

they have to *think* about some really fundamental political and social questions for the first time.

This is a confusing and difficult process for most students at first. They cannot figure out what is going on. They demand to know what the answers are to questions which men have debated through the ages. Their other courses have consisted largely of providing the answers; we provide the questions and ask the student to think through the answer for himself. He finds it difficult to grasp that we are interested in how he tackles a problem, not in his ultimate decision. Once he catches on, however, we are finding a high degree of honest enthusiasm among the students. The resistance we find among college students is not, I believe, so much to using their heads for thought as it is to using them as sponges.

The books we use are a source of ideas, not of answers. Thus the student has to think for himself about the ideas advanced. He has to learn to inform and express himself. He learns to distinguish between straight thinking and prejudiced slush. He is introduced to a part of his cultural heritage—that part most concerned with his political and social institutions—at first hand and in the most interesting way. Finally, we are leading him into an exploration of the moral values with which many of these writers are concerned, including the moral basis of democratic government.

These are the elements of a liberal education. They are indispensable to the preparation of young men and women for a life of active citizenship. In our continuing efforts to improve curricula and make the colleges a sustaining force in American democracy, we must place this kind of education ahead of specialism, authoritarianism, and superficiality.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Reprints of the symposium, "Ten Years of the Supreme Court: 1937-1947," begun in the December issue and concluded herein, will be available only for filling orders received by the Managing Editor *within three weeks* after the present issue appears. The price of reprints, complete and with covers, will be twenty-five cents per copy.

After teaching at Stanford University during the autumn term, Professor Robert S. Rankin has returned to his regular post at Duke University.

Dean Wilbur W. White, of Western Reserve University, has been chosen president of the University of Toledo and will assume his new duties on April 1.

Professor Hugh A. Bone, of Queens College, has rejoined the newly revived New York State Joint Legislative Committee on Industrial and Labor Conditions as director of research and is preparing the committee's 1948 report, to be published during the spring.

Since September, Mr. Willard F. Barber, chief of the Caribbean Division of the Department of State, has been temporarily detailed to the National War College, Washington, D. C.

At the University of Tennessee, Dr. Salo Engel, formerly of the Geneva Research Center, has been appointed visiting professor. Dr. Engel was formerly associated with the registrar of the Permanent Court of International Justice.

Additions to the political science staff at the University of Oregon this year are Professor Charles P. Schleicher, formerly of the University of Utah; Assistant Professor Leon D. Epstein, formerly with the National Resources Planning Board and Roosevelt College of Chicago; and Assistant Professor Howard E. Dean, formerly instructor at Columbia University.

Mr. Russell H. Ewing is now head of the department of government and director of the Bureau of Public Relations at Los Angeles University.

At the University of Michigan, Dr. Robert E. Ward has been appointed to an instructorship.

During the coming summer, Professor Richard W. Van Wagenen, of Duke University, will teach at San Diego State College.

Dr. Heinz Eulau, from 1944 to 1947 an assistant editor of the *New Republic*, is now an assistant professor at Antioch College.

Dr. Richard F. Behrendt, professor of international affairs and chairman of area studies at Colgate University, will serve as visiting professor in the summer school of the Universidad de San Carlos (the National University of Guatemala) during the summer of 1948. He will conduct in Spanish a course on inter-American relations and one on economics and trade of Central America.

Dr. James J. Robbins, who recently resigned as professor of political science in the School of Social Sciences and Public Affairs, the American University, has been commissioned First Secretary (Public Affairs Officer) at the American Embassy in Stockholm. Since July, 1945, he has been on duty at that post, where he was originally assigned as head field representative for the Office of War Information.

Dr. Robert D. Baum, of the African Branch of the State Department's Division of Research for Near East and Africa, is touring the former Italian colonies as secretary of the American delegation on the Commission of Investigation (FIC). The Commission, a quadripartite group established by the Council of Foreign Ministers, is a fact-finding body endeavoring to ascertain the will of the inhabitants with respect to the ultimate disposition of the territories.

During the period March 2-11, the Bureau of Urban Research at Princeton University is sponsoring a series of five lectures on "The Causes and Consequences of Metropolitan Decentralization." The lecturers are Professors Philip M. Hauser, of the University of Chicago, and Ansley J. Coale, of Princeton University, and Messrs. Henry S. Churchill, architect and city planner, Homer Hoyt, urban real estate consultant, and Joseph D. McGoldrick, former comptroller of New York City.

Colonel Francisco A. Mendieta, of Managua, Nicaragua, has been appointed honorary coordinator of the Committees of Voluntary Speakers for the United Nations established in Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, and Panama. He has also been appointed correspondent and representative of the Inter-American Council of Commerce and Production in Central America.

Mr. Robert S. Avery, formerly of the personnel department of the Tennessee Valley Authority, has been named associate professor and associate director of the Bureau of Public Administration at the University of Tennessee. Miss Edith Foster and Mr. George Howard have been named research associates, replacing Mrs. Virginia Brown and Mr.

Evan Iverson, resigned. The Bureau is undertaking to furnish executive secretarial service for selected organizations of local officials, and Miss Eleanor Keeble, formerly of the Tennessee State Planning Commission, has joined the staff to direct this work. In the department of political science, Mr. Burton R. Brazil has replaced as instructor Mr. William F. Larsen, resigned to continue graduate studies.

Under the auspices of the Institute of Studies of Comparative Government and Education, a series of weekly round-tables on "The Political and Social Evolution of the Nations of America and Europe from the Nineteenth Century to the Present Day" is being held throughout the year at Teachers College, Columbia University.

In lieu of its annual meeting in 1947, the Southern Institute of Local Government was one of the joint sponsors of the National Conference on Government held in November by the National Municipal League at Nashville, Tennessee.

A fellowship of \$1,800 offered by the Women's Organization for National Prohibition Reform and open to women college graduates showing promise of usefulness in public service, is, for 1948-49, available for graduates of approved Midwestern institutions, and may be applied for by April 1, 1948, through a committee of Barnard College (Professor Stansfeld Sargent, chairman) which administers it.

The special graduate program in public administration offered in the Maxwell Graduate School, Syracuse University, has been slightly reorganized this year under the direction of Dean Paul H. Appleby and under the direct supervision of Mr. Ernest A. Engelbert, until this year assistant professor in the extension division of the University of Wisconsin. The class has twenty-three members, who at the completion of a twelve-month program will be candidates for the degree of master of arts. Twelve members of the Syracuse faculty and five public officials have participated in the program of academic instruction, with a half-dozen other supplementary lecturers.

New York University and the Maxwell Graduate School, Syracuse University, have this year coöperated in the establishment at Albany, New York, of a graduate program in public administration. Dr. L. K. Caldwell, formerly associated with Northwestern and Indiana Universities and more recently with the Council of State Governments, was appointed professor at Syracuse and assigned in residence at Albany to full-time direction of the program. Dr. William J. Ronan has been in charge for New York University. Four courses are offered this year, two by each university; and eighty-nine persons, chiefly employees of the New York

state government, are enrolled. Additional courses will be offered next year. Office, library, and classroom facilities are provided by the state.

A three-year study of present-day revolutions and their effects on relations among nations is being undertaken by Stanford University on the basis of a \$180,000 grant received from the Carnegie Corporation of New York. A portion of the grant will support experiments to determine the best means of getting accurate and expert knowledge about international problems to the widest possible public, and a research program will be carried on by the Hoover Institute and Library on War, Revolution, and Peace under the direction of Dr. Harold H. Fisher, chairman of the Institute and Library, and Dr. Easton Rothwell, vice chairman. The study will aim at showing how the conduct of foreign relations, particularly by the Great Powers, is influenced by revolutionary change.

A grant from the Rockefeller Foundation has made it possible for Columbia University to appoint, during the next few years, a limited number of Senior Fellows of the Russian Institute. Some of the fellowships will be awarded to mature scholars who have already done outstanding work in the Russian field. Others will be available for scholars of exceptional ability and proved technical competence who have not previously worked on Russian problems, but who now wish to center their future careers on the application of their own special disciplines to Russian subject-matter. It is expected that normally these candidates will already have received the doctorate, and that they will usually have demonstrated their ability and competence by publishing work of value in their previous fields of specialization. To such persons, the Senior Fellowships of the Russian Institute offer an opportunity, first, for systematic study of the Russian language and the Russian area at the Institute, and second, for subsequent research work, at the Institute or elsewhere (in this country or abroad), in the application of the fellow's discipline to a problem in the Russian field.

Professor T. V. Smith, of the University of Chicago, gave a J. G. Winant Memorial Lecture at the Maxwell Graduate School, Syracuse University, on November 21 on the subject, "The Surplusage of Ideals." Earlier, Professor Charles E. Merriam gave a series of three lectures on the general title, "A New Look at the Border-line of Policy and Administration," followed by an informal one-day conference in which the visiting participants included Mr. Beardsley Rumml, Professor Arthur W. Macmahon, Professor Pendleton Harring, Professor T. V. Smith, Mr. Louis Brownlow, Mr. Frank Bane, Mr. Herbert Emmerich, and Professor Rodney L. Mott. Other recent lecturers at the Maxwell School have included Mr. Arthur Smithies, of the U. S. Bureau of the Budget, Professors E. E.

Schattschneider, of Wesleyan University, John W. Manning, of the American University, John M. Gaus, of Harvard University, and Carl J. Friedrich, of Harvard University, Mr. Joseph D. McGoldrick, of New York City, and Mr. Philip Glick, of the Public Housing Administration, Washington, D. C.

A regional association of Western political scientists was established November 29, 1947, at a meeting at Salt Lake City. The following officers were elected: G. Homer Durham, University of Utah, president, Vincent Ostrom, University of Wyoming, vice-president; and as council members, Mr. Phillip G. Auchampaugh, University of Nevada, Floyd Cave, San Francisco State College, Henry K. Stanford, University of Denver, H. P. Sturm, Idaho State College, Frederick C. Irion, University of New Mexico, and Franz B. Schick, University of Utah. The organization has been named the Western Political Science Association and is planning to publish a journal.

Under the joint auspices of the Citizenship Clearing House of the New York University Law School, the American Political Science Association's Committee on Citizenship Participation in Public Affairs, and the Institute of Practical Politics of Ohio Wesleyan University, an Ohio Conference on Citizen Participation in Public Affairs was held at Ohio Wesleyan University on December 12. Sessions were devoted to "Political Parties and Volunteer Citizen Movements, Politicians—Professionals or Amateurs" (Professor Howard White, Miami University, presiding), and "Techniques of Organizing the Efforts of Citizens in Civic or Occupational Groups (Mr. William H. Hessler, of the *Cincinnati Enquirer*, presiding). Some fifty Ohio political scientists attended, and program participants included Professor E. Allen Helms, of Ohio State University, and W. E. Binkley, of Ohio Northern University, and former Mayor Theodore R. McKeldin, of Baltimore.

John Bassett Moore. Many memorials will be written about the commanding figure, John Bassett Moore, who died on November 12, 1947. It seems appropriate here to recall the scholar and teacher rather than the statesman, jurist, and practical lawyer, although Judge Moore was all of these.

He was a prolific writer, not only in his own special fields of international law and diplomacy, but also in history and government. Yet as he himself recounted, he was largely self-taught; he never, for example, took a formal course in American history, although he was master of much of it and maker of parts of it. He said that he was "born in a studious tradition"; he lived in that tradition. In the later years of his life, he embarked upon a monumental undertaking of which the published eight volumes were

only the beginning. The title, *International Adjudications, Ancient and Modern*, may conceal from some the fact stated in his preface to the first arbitration in Volume I of the Modern Series that these volumes contain a wealth of material not only for the international lawyer, but also for the historian, the geographer, the cartographer, and, one may add, the editor. The volumes which he produced are models of perfection in completeness, accuracy, and care. It is said that he realized he never could complete in his own life-time the vast undertaking which he projected, but that he wished to set a standard for his successor. It may unfortunately be true that the standard is too high and that no one else will dare to follow in his train.

Of his other works, the best known is his *Digest of International Law*, published in eight volumes in 1906. Together with the earlier (1896) six-volume *History and Digest of the International Arbitrations to Which the United States Has Been a Party*, this work laid the foundation for modern source-books in international law. *American Diplomacy, Extradition, Four Phases of American Development*, and a twelve-volume edition of the works of James Buchanan, are further illustrations of the range and mass of his scholarly productions. Many scattered and fragmentary writings, as well as reprints of some which are better known and more readily accessible, are to be found in the seven volumes of his *Collected Papers*, published in 1944.

It is to be noted with regret that none of his numerous writings was published in this REVIEW except his presidential address delivered as the tenth president of the American Political Science Association at its eleventh annual meeting in December, 1914. That address, entitled "Law and Organization," is reprinted in the volume called *International Law and Some Current Illusions* which appeared in 1924. After the lapse of ten years, Judge Moore found little to change, but a good deal to add. While he believed that most of the League of Nations advocates were chasing rainbows, much of his prescription for an international organization is embodied, albeit imperfectly, in the Charter of the United Nations.

His was a pungent pen: There is bitter sarcasm in some of his writings, there is devastating mockery, there is probing analysis and minute dissection. But, as one of his former colleagues has noted, his shafts were directed to the heart of pretentiousness and were tipped in kindly encouragement for sincere young scholars.

John Bassett Moore was proud to be a native of Delaware, where he was born on December 3, 1860. He was Third Assistant Secretary of State at the age of twenty-six and Assistant Secretary (at times Acting Secretary) of State on the eve of the war with Spain when he was still under forty. His subsequent public services were numerous and distinguished, but his year as Counsellor of the State Department under

Bryan in 1913-14 was not a happy one. He was the obvious choice for first American judge on the Permanent Court of International Justice, on which he served from 1921 to 1928.

In 1891, he became the first incumbent of the Hamilton Fish Professorship of International Law and Diplomacy at Columbia University—a chair which he held for thirty-three years. Year after year, his former students from many countries eagerly called upon him in his New York apartment to pay their respects. He was not a showman in the class-room, but few who studied under him have forgotten the impress of his erudition and wisdom. He was unceasingly insistent upon fundamentals, and he made it his business to know the background of every subject he discussed. In the roster of great names in international law from the precursors of Grotius down to any present time, John Bassett Moore will always be included.—PHILIP C. JESSUP.

Forty-third Annual Meeting of the American Political Science Association. The forty-third annual meeting of the American Political Science Association was held at the Hotel Statler in Washington, D. C., on Sunday, Monday, and Tuesday, December 28-30, 1947. The program was designed as a natural sequel to that of the forty-second annual meeting held at Cleveland in December, 1946, where the general theme related to problems of government in the postwar world. To a considerable extent, the program for 1947 was designed to appraise the manner in which some of the more compelling problems in this area have been met. The emphasis on the foreign policies of the United States and on governmental problems of an international character was greater than customary. However, a number of round-tables were designed to raise the question of whether the United States can achieve by democratic methods a solution for problems of economic and social stability. The program as presented at the meeting was as follows:

Sunday, December 28, at 10:00 A.M.

JAPAN—OCCUPATION PROBLEMS AND THE PEACE SETTLEMENT

Chairman: David Nelson Rowe, Yale University.

Secretary: Richard L. Walker, Yale University.

"The Problem of Democratization in the Light of Japanese Traditional Political Theory," Chitoshi Yanaga, Yale University.

"Machinery for Enforcement of the Peace Treaty with Japan," John Masland, Dartmouth College.

Discussion: Dale Pontius, Roosevelt College; Claude E. Hawley, University of Southern California.

SOVIET DOMESTIC POLICY

Chairman: John N. Hazard, Columbia University.

Secretary: Elton Atwater, American University.

"Developments in Party Organization and Ideology," Merle Fainsod, Harvard University.

"Economic Policy," Vera Micheles Dean, Foreign Policy Association and Harvard University.

Discussion: Waldemar Gurian, Notre Dame University; John M. Marsalka, Yale University.

THE GOVERNMENTAL APPARATUS OF U. S. FOREIGN POLICY

Chairman: Bernard Brodie, Yale University.

Secretary: Edgar S. Furniss, Jr., Princeton University.

Participants: William T. R. Fox, Yale University; George Pettee, Staff, Foreign Affairs Committee, House of Representatives; G. Lyle Belsley, Secretary, National Security Resources Board; Albert C. F. Westphal, University of New Mexico; James Q. Reber, Department of State.

STATE AND LOCAL PLANNING

Chairman: Roscoe C. Martin, University of Alabama.

Secretary: Lawrence L. Durisch, Chief, Division of Government Research, Tennessee Valley Authority.

"The Area Development Division of the U. S. Department of Commerce," William Davlin, U. S. Department of Commerce.

"State Planning in the South," Albert Lepawsky, University of Alabama.

"The Community Council Movement," John W. Herring, Supervisor, Bureau of Adult Education, New York State Department of Education.

Discussion: E. J. Coil, National Planning Association; V. O. Key, Johns Hopkins University; Raymond V. Long, Director, State Planning Board, Commonwealth of Virginia; John A. Parker, University of North Carolina.

POLITICAL AND CONSTITUTIONAL IMPLICATIONS OF THE PROPOSED AMENDMENT LIMITING THE PRESIDENT TO TWO TERMS

Chairman: Joseph E. McLean, Princeton University.

Secretary: Paul M. Douglas, Princeton Surveys.

Participants: Louis Brownlow, Public Administration Clearing House; Ernest K. Lindley, *Newsweek* and *Washington Post*; Roy V. Peel, Indiana University; Frank W. Prescott, University of Chattanooga.

THE BEGINNING COURSE IN POLITICAL SCIENCE

Chairman: Harold M. Dorr, University of Michigan.

Secretary: Ruth Silva, Wheaton College.

"Teaching Methods," John F. Sly, Princeton University.

"Teaching Aids," Ruth G. Weintraub, Hunter College.

"Integration with High School Preparation," Howard R. Anderson, U. S. Office of Education.

"Academic Freedom," Ethan P. Allen, University of Kansas.

"Political Indoctrination," Clinton L. Rossiter, Cornell University.

Discussion: John H. Ferguson, Pennsylvania State College; Herbert McCloskey, University of Minnesota; J. Ben Stalvey, University of Miami; Edwin O. Stene, University of Kansas.

MEETING OF THE COMMITTEE ON POLITICAL PARTIES

Chairman: Elmer E. Schattschneider, Wesleyan University.

Sunday, December 28, at 12:30 P.M.

Chairman: Quincy Wright, University of Chicago, and First Vice President, American Political Science Association.

Speaker: Francis B. Sayre, United States Representative in the United Nations Trusteeship Council, "The United Nations and the World's Work."

Sunday, December 28, at 2:30 P.M.

THE POLITICAL SCIENTIST AND PRACTICAL POLITICS

Chairman: Hugh A. Bone, Queens College.

Secretary: Belle Zeller, Brooklyn College.

"The Rôle of the Professor," Lawrence H. Chamberlain, Columbia University.

"Curriculum Considerations," Ben A. Arneson, Ohio Wesleyan University.

"The Citizenship Clearing House," Arthur Vanderbilt, Chief Justice, Supreme Court of New Jersey.

THE GERMAN PEACE SETTLEMENT AND EUROPEAN RECONSTRUCTION

Chairman: Harlow J. Heneman, Consultant, Department of State, and to the U. S. Representative on the United Nations Atomic Energy Commission.

Secretary: Joseph A. Todd, Division of Occupied Areas, Economic Affairs, Department of State.

Participants: Charles P. Kindelberger, Special Assistant to the Assistant Secretary for Economic Affairs, Department of State; Edward M. Martin, Chief, Division of Occupied Areas, Economic Affairs, Department of State; W. Y. Elliott, Harvard University, and Staff Director, Committee on Foreign Affairs and Select Committee on Foreign Aid, U. S. House of Representatives; Roger H. Wells, Bryn Mawr College; Karl Loewenstein, Amherst College.

THE UNITED NATIONS

Chairman: Alger Hiss, President, Carnegie Endowment for International Peace.

Secretary: Leland M. Goodrich, Brown University.

Participants: Benjamin V. Cohen, formerly Counselor, Department of State; Charles Fahy, formerly Legal Counsel, Department of State; Francis O. Wilcox, Chief of Staff, Senate Foreign Relations Committee; Dean Rusk, Director, Office of Special Political Affairs, Department of State; Leland M. Goodrich, Brown University.

ORGANIZING FOR ECONOMIC STABILITY

Chairman: George A. Shipman, University of Washington.

Secretary: Albert Sturm, West Virginia University.

Participants: Harold Stein, formerly Deputy Director, Office of War Mobilization and Reconversion; Avery Leiserson, University of Chicago; Joseph E. Reeve, Bureau of the Budget; Bertram Gross, Council of Economic Advisers; Charles E. Dearing, Brookings Institution.

GOVERNMENT AND ECONOMIC ENTERPRISE IN THE UNITED STATES

Chairman: Douglas W. Campbell, Union College.

Secretary: Maurice Klain, Amherst College.

Participants: Philip W. Buck, Stanford University; Robert J. Harris, Louisiana State University; John D. Lewis, Oberlin College; Elmer E. Smead, Dartmouth College; Charles M. Wiltse, Benjamin E. Lippincott, University of Minnesota.

PROBLEMS OF PERSONNEL IN JUDICIAL ADMINISTRATION

Chairman: Arthur T. Vanderbilt, Dean, New York University School of Law.

Secretary: Francis R. Aumann, Ohio State University.

"The Judicial Office—Its Unique Task and the Qualifications Required for It," John J. Parker, Senior Judge, Circuit Court of Appeals, Fourth District.

"The Judicial Technique and Administrative Tribunals," John Dickinson, University of Pennsylvania, and General Counsel, Pennsylvania Railroad.

"How Can We Measure Judicial Qualifications—(a) In the Courts, (b) In Administrative Tribunals," Rodney L. Mott, Colgate University.

Discussion: Henry P. Chandler, Director, Administrative Office of United States Courts; Charles Fairman, Stanford University; Bolitha J. Laws, United States District Court for the District of Columbia; Dayton D. McKean, Dartmouth College.

Sunday, December 28, at 8:00 P.M.

PRESIDENTIAL ADDRESS AND PRESENTATION OF POLITICAL SCIENCE AWARDS

Chairman: Robert D. Leigh, Social Science Research Council.

Address: "Conflict, Consensus, Confirmed Trends, and Open Choices," Arthur W. Macmahon, President, American Political Science Association.

Presentation of Awards Made Under the Auspices of the American Political Science Association:

Report of the Committee on Awards: Robert D. Leigh, Social Science Research Council, Chairman.

Citation for the Woodrow Wilson Foundation Award for the best publication in the field of Government and Democracy: Francis W. Coker, Yale University.

Citation for the Willkie Memorial Building Award for the best publication in the field of International Relations: William T. R. Fox, Yale University.

Citation for the Franklin D. Roosevelt Memorial Foundation Award for the best publication in the field of Government and Human Welfare: Charles E. Merriam, University of Chicago.

Presentation of Awards by representatives of the Foundations.

Monday, December 29, at 8:00 A.M.

MIDWEST CONFERENCE OF POLITICAL SCIENTISTS

For members of the Managerial Committee and Program Committee and other interested persons.

COMMITTEE ON JUDICIAL ORGANIZATION AND ADMINISTRATION COMMITTEE ON AWARDS

Monday, December 29, at 9:30 A.M.

THE GOVERNMENTAL APPARATUS OF U. S. FOREIGN POLICY

Chairman: Bernard Brodie, Yale University.

Secretary: Edgar S. Furniss, Jr., Princeton University.

Participants: Elias Huzar, Cornell University; William T. R. Fox, Yale University; George Pettee, Staff, Foreign Affairs Committee, House of Representatives; G. Lyle Belsley, Secretary, National Security Resources Board; Albert C. F. Westphal, University of New Mexico; James Q. Reber, Department of State.

EUROPEAN GOVERNMENTS

Chairman: Harold Zink, DePauw University.

Secretary: J. A. Funston, Earlham College.

"Postwar Collectivism in France and Italy," J. G. Heinberg, University of Missouri.

"The Political and Economic Scene in the Countries of Northern Europe," Eric C. Bellquist, University of California, Berkeley.

"Change and Crisis in Britain," H. M. Stout, Department of State.

"The Current Scene in Eastern Europe," Tibor Payzs, University of Detroit.

"A European State in the South Pacific," Dean E. McHenry, University of California, Los Angeles.

Discussion: Eugene P. Chase, Lafayette College; Ben A. Arneson, Ohio Wesleyan University.

LEGISLATIVE-EXECUTIVE RELATIONS

Chairman: Don K. Price, Public Administration Clearing House.

Secretary: Harold H. Roth, American University.

Participants: Paul H. Appleby, Syracuse University; Wilfred E. Binkley, Ohio Northern University; Lawrence H. Chamberlain, Columbia University; James Rowe, Commission on Organization of the Executive Branch.

POLITICAL PLANNING

Chairman: Elmer E. Schattschneider, Wesleyan University.

Secretary: Stephen K. Bailey, Wesleyan University.

Participants: (Members of the Committee on Political Parties): Thomas S. Barclay, Stanford University; Clarence A. Berdahl, University of Illinois; Hugh A. Bone, Queens College; Franklin L. Burdette, University of Maryland; Paul T. David, Department of State; Merle Fainsod, Harvard University; Bertram Gross, Council of Economic Advisers; V. O. Key, Johns Hopkins University; E. M. Kirkpatrick, University of Minnesota; Fritz Morstein Marx, Bureau of the Budget; Howard Penniman, Yale University; Kirk H. Porter, State University of Iowa; J. B. Shannon, University of Kentucky.

THE PLACE OF THE STATES IN THE ADMINISTRATION OF NATIONAL PROGRAMS

Chairman: Emmette S. Redford, University of Texas.

Secretary: Comer Clay, University of Texas.

Participants: Paul Betters, U. S. Conference of Mayors; Lynton K. Caldwell, Syracuse University; W. Brooke Graves, Legislative Reference Service, Library of Congress; John D. Millett, Columbia University; Lt. Col. Barnet W. Beers, Plans and Operations Division, War Department General Staff; Ray Atkinson, Bureau of the Budget; T. G. Driscoll, Council of State Governments.

THE PLACE OF POLITICAL SCIENCE IN INTEGRATED SOCIAL SCIENCE COURSES

Chairman: E. Allen Helms, Ohio State University.

Secretary: Louis C. Kesselman, University of Louisville.

Participants: Richard C. Snyder, Princeton University; Marshall E. Dimock,

Northwestern University; LeRoy Ferguson, Michigan State College; James E. Russell, Columbia University; Francis O. Wilcox, Chief of Staff, Senate Foreign Relations Committee.

Monday, December 29, at 12:15 P.M.

Luncheon Meeting, Pi Sigma Alpha.

Monday, December 29, at 2:00 P.M.

SOVIET AND AMERICAN POLICIES IN THE WORLD TODAY

Chairman: Philip E. Moseley, Russian Institute of Columbia University.

Secretary: Charles A. Bergerson, Russian Institute of Columbia University.

"Soviet and American Conceptions of International Security," Joseph E. Johnson, Williams College.

"Soviet Attitudes toward Postwar America," Frederick C. Barghoorn, Yale University.

"Soviet Approach to International Trade," Willis C. Armstrong, Department of State and School for Advanced International Studies.

OPERATION OF THE LEGISLATIVE REORGANIZATION ACT OF 1946

Chairman: George B. Galloway, Legislative Reference Service, Library of Congress.

Secretary: Floyd M. Riddick, Senate Editor, *Congressional Digest*.

Participants: Congressman A. S. Mike Monroney; Congressman Estes Kefauver; Franklin L. Burdette, University of Maryland; Joseph P. Harris, University of California.

THE RÔLE OF GOVERNMENT IN LABOR-MANAGEMENT RELATIONS

Chairman: William M. Leiserson, Johns Hopkins University.

Secretary: Gustav Peck, Legislative Reference Service, Library of Congress.

Participants: Senator Joseph H. Ball; Senator Elbert D. Thomas; Cyrus Ching, Director, Federal Mediation and Conciliation Service; Paul F. Douglass, President, American University, Dexter Keezer, Director, Department of Economics, McGraw-Hill Company.

EDUCATING FOR INTERNATIONAL UNDERSTANDING

(Joint session with the National Council for the Social Studies.)

Chairman: Merrill F. Hartshorn, Executive Secretary, National Council for the Social Studies.

Secretary: Wilbur F. Murra, Assistant Secretary, Educational Policies Commission.

"UNESCO's Program and the Teacher's Responsibility," Bernard Drzewieski, Director of Rehabilitation, UNESCO.

"Education for International Understanding," William G. Carr, Secretary, Educational Policies Commission.

"A Technique for the Study of Foreign Policy Problems," George L. Millikan, Brookings Institution.

Monday, December 29, at 4:30 P.M.

ANNUAL BUSINESS MEETING OF THE ASSOCIATION

Chairman: Arthur W. Macmahon, President, American Political Science Association.

Monday, December 29, at 6:00 P.M.

Dinner Meeting

PENNSYLVANIA POLITICAL SCIENCE AND PUBLIC ADMINISTRATION ASSOCIATION

Chairman: Jacob Tanger, Pennsylvania State College.

Monday, December 29, at 6:30 P.M.

Dinner Meeting

INSTITUTE OF SOCIAL ORDER

Monday, December 29, 8:00 P.M.

General Session

Chairman: V. O. Key, Johns Hopkins University, and Second Vice President, American Political Science Association.

Speaker: Charles A. Beard, "Neglected Questions in American Government."

Tuesday, December 30, at 8:00 A.M.—Breakfast Meetings

COMMITTEE ON RESEARCH

COUNCIL OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION

PI GAMMA MU

Tuesday, December 30, at 9:30 A.M.

THE ADMINISTRATION AND COÖRDINATION OF UNITED NATIONS AGENCIES

Chairman: Donald C. Stone, Assistant Director in Charge of Administrative Management, Bureau of the Budget.

Secretary: Grace Harris, American University.

Participants: Walter Kotschnig, Department of State; Dean Rusk, Department of State; Alger Hiss, President, Carnegie Endowment for International Peace; Spencer Thompson, United Nations; Rowland Egger, University of Virginia; John E. Fobes, Bureau of the Budget; William F. Howell, International Bank; Marc Viellet-Lavalley, Food and Agriculture Organization; Walter R. Sharp, College of the City of New York.

INTERNATIONAL TRADE

Chairman: Robert R. Wilson, Duke University.

Secretary: Walter H. Bennett, University of Alabama.

"Postwar Commercial Policy of the United States," Woodbury Willoughby, Associate Chief, Division of Commercial Policy, Department of State.

"The Position of State Trading Countries in Postwar Commercial Relations," John Hazard, Russian Institute, Columbia University.

"Institutional Aspects of the Projected International Trade Organization," Edmund H. Kellogg, Division of International Organization Affairs, Department of State. (Paper read by Charles P. O'Donnell, Department of State.)

PUERTO RICO

Chairman: Rupert Emerson, Harvard University.

Secretary: Alan Burr Overstreet, Harvard University.

Participants: James Porter Davis, Director, Division of Territories, Department of the Interior; Kingsley Davis, Princeton University; Arturo Morales, University of Puerto Rico; Pedro Munoz Amato, University of Puerto Rico; Donald J. O'Connor, Office of Puerto Rico; Henry Wells, Yale University.

LEGISLATIVE-EXECUTIVE RELATIONS

Chairman: Don K. Price, Public Administration Clearing House.

Secretary: Harold H. Roth, American University.

Participants: Paul H. Appleby, Syracuse University; Wilfred E. Binkley, Ohio Northern University; Lawrence H. Chamberlain, Columbia University; James Rowe, Commission on Organization of the Executive Branch.

UNIVERSITIES AND THE FEDERAL CAREER SERVICE

Chairman: Wallace S. Sayre, Cornell University.

Secretary: Elias Huzar, Cornell University.

Participants: Roger S. Abbott, University of Michigan; Arthur S. Flemming, Commissioner, U. S. Civil Service Commission; George A. Graham, Princeton University; Robert F. Steadman, Wayne University; E. S. Wengert, University of Wyoming.

CURRENT HOUSING POLICIES OF STATE AND FEDERAL GOVERNMENTS

Chairman: Coleman Woodbury, University of Wisconsin.

Participants: Edward Weinfeld, former Commissioner, New York State Division of Housing; A. S. Bigelow, Chairman, Massachusetts Housing Commission; Lee F. Johnson, Executive Vice President, National Public Housing Conference; William L. C. Wheaton, Assistant to the Administrator, U. S. Housing and Home Finance Agency.

REPRESENTATIVE GOVERNMENT AND THE LEGISLATIVE PROCESS

Chairman: Roland Young, Carleton College.

Secretary: Kenneth W. Hechsler, Princeton University.

"Some Problems of Representation Within Associational Groups," Avery Leiserson, University of Chicago.

"Some Problems of Representation in Contemporary European Government," C. J. Friedrich, Harvard University.

"Some Problems of Representation in the United Nations," David M. Levitan, Columbia University.

"Some Problems of Representation in State Governments," Lashley G. Harvey, Boston University.

Discussion: Ernest S. Griffith, Director, Legislative Reference Service, Library of Congress; John H. Hallowell, Duke University.

Tuesday, December 30, at 12:30 P.M.

Subscription Luncheon

Chairman: Charles Fairman, Stanford University, and Vice President, American Political Science Association.

Speaker: Clifford J. Durr, Commissioner, Federal Communications Commission.

Tuesday, December 30, at 2:30 P.M.

MEETING OF COMMITTEE ON STATE GOVERNMENT, NATIONAL
MUNICIPAL LEAGUE

Chairman: W. Brooke Graves, Legislative Reference Service, Library of Congress.

The Executive Council of the Association met at the Statler Hotel at 9:00 A.M. on Saturday, December 27. Those present were: President Arthur W. Macmahon, First Vice President Quincy Wright, Second Vice President V. O. Key, Jr., Third Vice President Charles Fairman, Managing Editor Frederic A. Ogg, Secretary-Treasurer Harvey Walker, and the following members of the Executive Council: Edward F. Dow, Robert J. Harris, John G. Heinberg, Robert H. Connery, C. Perry Patterson, Harold S. Quigley, Taylor Cole, George A. Graham, Llewellyn Pfankuchen, John A. Vieg, and Belle Zeller. In addition, the meeting was attended by former President Thomas Reed Powell and a number of the chairmen of Association committees.

The minutes of the meeting of the Executive Council at Cleveland on December 26 and 28, 1946, were amended by unanimous consent to show that Frederic A. Ogg was elected Managing Editor of the AMERICAN POLITICAL SCIENCE REVIEW for a three-year term ending at the annual meeting in 1949 and that Kenneth Colegrove was elected Secretary-Treasurer and Harvey Walker Assistant Secretary-Treasurer for a similar term.

President Macmahon made an oral report on official actions taken by him during his term of office.

Managing Editor Frederic A. Ogg presented a report on the AMERICAN POLITICAL SCIENCE REVIEW. He stated that memorials to four deceased members of the Association had appeared in the REVIEW during 1947: Benjamin Wallace, John A. Fairlie, Leo S. Rowe, and Harold D. Smith. Mr. Ogg indicated steadily increasing pressure for space which had resulted in the publication of a volume of 1,239 pages, or 206 pages per issue. In the 1947 volume, 721 pages were devoted to regular features and 518 pages to leading articles, symposia, committee reports, and departmental notes.

The Managing Editor nominated the following persons as members of the Board of Editors for 1948-49: Thomas S. Barclay, Stanford University; Charles B. Hagan, University of Illinois; R. J. Harris, Louisiana State University; Louise Overacker, Wellesley College; and Harold S. Quigley, University of Minnesota. These nominees were unanimously elected by the Council.

Professor Ogg at this point indicated a desire to have the Council give consideration during the years 1948 and 1949 to the problem of securing a successor for his office. The Council accordingly created an *ad hoc* committee to explore the problem of the REVIEW and the editorship. To

this committee was also referred the question of the possible publication of a separate volume of *Proceedings*, perhaps as one or more numbers of the REVIEW.

Kenneth Colegrove, chairman of the Committee on the *Directory*, made a report on that project. The 1948 edition will be sent to the printer in late spring, with publication set for late fall, providing members respond promptly to requests for biographical information. Up to December 1, 1947, orders had been received for 933 copies. It will be necessary to sell approximately as many more to meet the cost of publication. Prices for the 1948 *Directory* have been set as follows: for members, \$3.00 cloth bound, \$2.00 paper bound; for non-members, \$4.00 cloth bound, \$3.00 paper bound. Professor Colegrove emphasized the great service to the Association which is being rendered by the National Foundation for Education in paying the editorial costs of compiling the *Directory* material. Franklin L. Burdette, the editor, was present to answer questions and to supplement the chairman's report.

The Secretary-Treasurer presented a written report covering the work of his office during the last six months of 1947 as well as financial statements covering the full year. Kenneth Colegrove, who had been elected Secretary-Treasurer for a three-year term at the 1946 meeting, resigned July 1, 1947, and the Executive Council by mail ballot elected the Assistant Secretary-Treasurer, Harvey Walker, as Secretary-Treasurer for the term ending December, 1949.

The Secretary-Treasurer indicated that the principal problem confronting the Association was one of finance. For nearly 40 years, the Association has carried on its work with regular dues of \$5.00. Expanding membership made it possible for the work of the Association to be carried through without increase in this fee until October, 1947, when the Banta Publishing Company notified the Association that it would be necessary to increase the charge for printing the REVIEW by approximately 20 per cent, effective with the December number. This increase, assuming a continuation of the REVIEW at approximately the present size, would cost the Association approximately \$2,400 per year in excess of the former charges. Since the expenditures of the Association for other purposes absorbed all of the amount available, it was felt necessary to recommend an increase in dues.

After considerable discussion, the Executive Council voted to recommend to the Business Meeting an amendment to the constitution to increase the dues for regular members to \$6.60 per year and for associate members to \$3.60 per year. It also voted to recommend the creation of a new class of membership, called family membership, at \$2.00 per year without subscription to the REVIEW. In view of the fact that members had not been taking advantage of the opportunity to pay life memberships at the rate provided in the Constitution, an amendment was recommended

to authorize the payment of such life memberships in eight annual installments of \$25.00 each. In a further effort to improve the financial situation, the Council voted to increase the subscription price of the REVIEW to \$6.60 a year. These actions were taken after a thorough discussion of the alternatives such as reducing the size of the REVIEW and reducing the number of issues. The Council felt that these alternatives were less desirable than the increase in dues.

The Secretary-Treasurer pointed out that the employees of the Association were not covered under the Social Security Act and that it would be necessary, if a retirement plan were to be provided, to purchase annuity contracts from a private insurance agency. He was authorized by the Council to negotiate such a contract and to pay half the cost from Association funds, with the understanding that employees could carry the contract with them when leaving the employ of the Association.

In a further effort to reduce expenses, the Council authorized the Secretary-Treasurer to drop from membership persons who fail after three monthly notices to pay their dues. The Council voted to abolish the registration fee at the Annual Meeting, effective at once.

It was voted to meet in Chicago on December 28, 29, and 30, 1948. The meeting of the Executive Council will be held on Monday, December 27. The Secretary-Treasurer reported an active year in the Personnel Service, 165 persons having been listed during the year, and 75 vacancies. He also reported a substantial balance in the Endowment Fund. The sum of \$5,000 was received as a bequest from a past president, John A. Fairlie, and \$1,000 as a gift from another past president, Isidor Loeb.

The Secretary-Treasurer was authorized by the Council to supply partial sets of back numbers of the REVIEW to assist in the rebuilding of libraries in devastated countries, provided the stock of any number is not reduced below 100. The Secretary-Treasurer was also authorized to use his discretion in continuing as members persons who find themselves unable to pay their dues because of international exchange restrictions. The Secretary-Treasurer reported that the membership of the Association as of December 15, 1947, was 4,598, a net gain of 523 during the year.

The report of the Audit Committee was presented by Kenneth J. Martin. The Committee reported that it had considered the Auditor's reports for the period from December 16, 1946, to June 15, 1947, and from June 15, 1947, to December 15, 1947, and had approved them. The Committee recommended a change in the method of preparing the statements of the Association to an income and expense basis. It also recommended that the Executive Council, in approving the budget for 1948, grant to the Secretary-Treasurer authority to supplement the appropriations where necessary to a total amount not exceeding any increased receipts. The report, including the recommendations, was adopted.

The Secretary-Treasurer was authorized to close the books of the Association hereafter on November 30 rather than December 15.

The Secretary-Treasurer submitted the budget for 1948 showing anticipated income, revised to include the amounts expected from increased dues, of \$37,416.50 and proposed expenditures of \$35,360.00. The budget as presented was approved by the Council, and the amounts recommended were appropriated for expenditure during the Association's fiscal year.

The Executive Council received and filed the report of the Committee on Endowment prepared by William Anderson.

John E. Briggs presented the report of the Committee on Regional and Functional Societies, showing an increased interest in regional meetings and in the formation of additional regional groups. Activities of the Southern Political Science Association, the Pennsylvania Political Science Association, the Midwest Political Science Association, the Southwestern Political Science Association, and the District of Columbia Political Science Association were summarized for the information of the Council. The Committee reported the organization of a Western Political Science Association in 1947 and indicated that another group, to be known as the Pacific Northwest Political Science Association, was in the process of formation. By vote of the Executive Council, the Western Political Science Association became the second regional section of the American Political Science Association, under the provisions of the Constitution of the national body. The Council by unanimous vote agreed to continue the policy of paying from Association funds the cost of sending an Association representative to regional group meetings, not to exceed \$50.00 for each such meeting.

An oral report was presented by Frederic A. Ogg concerning the activities of the American Council of Learned Societies, of which the American Political Science Association is a member. Pendleton Herring presented a similar report on the Social Science Research Council, and President Macmahon announced the appointment of Frederick S. Dunn as a representative of the Association on the SSRC. President Macmahon reported that he had been asked to designate a representative of the Association on the Inter-Society Committee for a National Science Foundation and that he had appointed Charles S. Hyneman to attend a meeting of the Committee to be held in Chicago, December 28, 1947. The Council voted to ratify the action of the President in accepting membership on the Inter-Society Committee and in appointing a representative to the Committee and requested that the incoming President appoint an additional representative.

Vice-President Quincy Wright presented the following resolution, which was unanimously adopted by the Council: "The American Political Science Association strongly urges that the social sciences be included in

the bill for a National Science Foundation. Explicit mention of the social sciences would be preferable, but in view of the legislative history of the bill, representatives of those sciences should be free to use their discretion as to form and method of such inclusion."

President Macmahon reported on an inquiry which he had made concerning the desirability of bringing the American Political Science Association into closer relations with the American Association for the Advancement of Science. The Executive Council directed the incoming officers to take the necessary steps to bring the American Political Science Association into a relationship with Section K of the AAAS similar to that assumed by the American Economic Association. The officers also were directed by the Council to cooperate with the officers of other learned societies in the social science area in preparing and conducting the programs of Section K.

The President announced to the Council his appointment of Ernest S. Griffith as a representative of the Association on the American Documentation Institute. He also reported upon correspondence which he had had with Herbert A. Simon, Ralph E. Himstead, and Paul Douglas with reference to the desirability of creating an Association committee on academic freedom. Mr. Simon had presented a resolution on this subject to the 1946 meeting, but the President indicated that after careful consideration of the problem he had come to the conclusion that such a committee was not necessary at this time. Vice-President Quincy Wright, a former president of the AAUP, moved that the Association endorse the 1940 statement of principles of academic freedom and tenure of that organization. This motion was unanimously carried.

The Secretary-Treasurer reported a request from the Committee on Documentary Reproduction of the American Historical Association for endorsement of its program by the American Political Science Association. This matter was referred by the Council to the Committee on Research and its Panel on Military Government.

Pitman B. Potter reported for the Committee on International Cultural Relations that the possibility of establishing an International Political Science Association had been explored further, with almost completely negative results. The Committee recommended that the American Political Science Association seek representation on the National Commission for UNESCO and endeavor to increase the attention given the social sciences by that organization. The Council approved this recommendation and directed the officers to take the necessary steps toward this objective. It also was felt desirable that the Committee continue its efforts toward the creation of further opportunities for political science students to travel and study abroad.

Marshall E. Dimock presented the report of the Committee on the

Improvement of Teaching. This committee is a new one, formed after the 1946 meeting to continue the work formerly carried on by the Committee on Undergraduate Instruction and the Committee on Social Studies. Mr. Dimock indicated that it was through the efforts of this committee and its predecessors that a symposium on undergraduate instruction in political science appeared in the June, 1947, number of the REVIEW. Round-tables at the 1947 meeting set up under the auspices of this committee were on the beginning course and on the place of political science in integrated social science courses. The chairman reported upon an institute on government and administration at American University in June, 1947, under the direction of John W. Manning. The committee is engaged in preparing a list of slide films and motion pictures relating to political science which it hopes to edit and distribute to members of the Association during the coming year. Chairman Dimock referred to the work being done in the American Economic Association on the improvement of teaching and suggested the desirability of an appropriation by the Association to enable the Committee to develop our Association along similar lines. The report was approved by the Executive Council, and the committee was continued. An appropriation of not to exceed \$500.00, if available, was made by the Executive Council, and the officers were directed to investigate the possibilities of securing additional funds from foundations.

Taylor Cole presented the report of the Committee on Research. He indicated that although the Research Committee voted at the annual meeting in 1946 to dissolve the research panels, the bulk of its work during 1947 continued to center around the conclusion of the activities of these panel groups. Some panels, such as that on Military Government, held meetings during the year. The panel on International Relations was reconstituted for the purpose of preparing a final report on its activities. The main burden of the work of the Committee has been upon Ernest S. Griffith, who has agreed to edit a final volume on its work, to appear during the summer of 1948. Other activities of the committee included efforts to secure the declassification of war records, the elimination of alleged preferential treatment by government agencies for certain favored scholars, coöperation with the SSRC, and maintenance of close contact with developments looking toward the formulation of a National Science Foundation. The committee announced the publication of a study by O. Douglas Weeks, of the University of Texas, on "Research in the State Legislative Process," which had been prepared as an activity of the Committee. The Executive Council voted to continue the Committee on Research to complete the work in which it is now engaged and to take care of new problems which arise.

It was suggested by Taylor Cole that it would be desirable to make a complete survey of journals in the field of social science to determine the

adequacy of the present coverage in the field and to ascertain the outlets for the various types of research product. A related problem raised by several members of the Executive Council was that of the preparation of a new guide to materials in the field of political science. These matters will be referred by the incoming president to an appropriate committee for investigation.

The report on the Library of Political Thought, prepared by John D. Lewis, was presented by the Secretary-Treasurer. As there were no recommendations for action, the report was received and filed.

The President read a telegram from Royden Dangerfield reporting his inability to attend the meeting and to present his report on Publications of the Department of State. A special sub-committee of the Council consisting of Harold Quigley, Kenneth Colegrove, and Quincy Wright, was appointed to draft a resolution on this subject. The sub-committee reported the following resolution, which was unanimously adopted by the Council:

"The American Political Science Association records its appreciation of the publication by the Department of State of the expanded *Bulletin* and of the current documents and studies separately printed.

"It commends the undertaking by the Department of State to compile and publish German Foreign Office documents and urges similar action with reference to Japanese Foreign Office documents. There should be the fullest possible utilization of the present opportunity to provide microcopies of European and Asiatic documents. It hopes that the reclassification of documents, secrecy of which is no longer necessary, will be speeded up and that the classification of new documents be as limited as possible.

"It appreciates the publication of the records and documents of the International Military Tribunal of Nuremberg and urges publication of documents of the International Military Tribunal of the Far East, including the Saionji-Haroda memoirs and the Kido diary.

"It renews its resolution of 1946 urging the Department of State to speed up publication of the Miller Treaty Series and United States Foreign Relations, and urges the Senate Foreign Relations Committee to publish a fifth volume of the Malloy Treaty Series, including treaties since 1938. It requests the proper congressional committee to appropriate funds in order that the Department of State may carry out its publication program, including its informational program, with the additions noted above.

"It instructs the Secretary to bring these requests to the attention of the Secretary of State and of the relevant congressional committees."

Elmer E. Schattschneider presented the interim report of the Committee on National Political Parties and Elections. This is another new committee, appointed in April, 1947, to study the organization and operation of national political parties and elections with a view to suggesting changes that might enable the parties and voters to fulfill their responsibilities more effectively. The resolution of the 1946 meeting by which this committee was established contemplated the raising of funds for its work, but

efforts to secure financing during 1947 were unsuccessful. While the work already done by the committee has turned up a substantial number of proposals for research, the chairman reported that it had not been possible for it to formulate a program to recommend to the Council. Since its first meeting was being held in connection with the 1947 program, it was requested that the Committee be authorized to continue its exploratory work during another year. The Executive Council voted to accept the report and to continue the committee, and instructed the officers to continue their efforts to secure funds.

Hugh A. Bone reported for the Advisory Panel on Methods of Encouraging Political Participation. This panel was established in 1947 pursuant to a resolution of the 1946 annual meeting. It was directed to cooperate with Dean A. T. Vanderbilt in a citizenship clearing house project, established and carried on under his direction. The panel recommended (1) that the regional and metropolitan associations of political scientists devote a session at their meetings to the program of the citizenship clearing house, (2) that members of the Association cooperate in bringing the clearing house project to the attention of schools in their areas, (3) that the panel be continued as a committee to advise the clearing house, to study the implications of the project, to make further reports to the Association, to continue the study of methods of bridging the gap between the college graduate and active citizenship, and to foster discussion among members of the profession concerning the problem. The chairman recommended that the nucleus of the committee continue to be drawn from metropolitan New York, but that it be strengthened by the addition of a number of other persons from different regions of the country who could serve as contact men for the program in their localities. The recommendations of the panel were approved, and it was voted to continue the project for another year.

W. Reed West reported for the Committee on Election Statistics that the prospect of the publication of such statistics by the Bureau of the Census is most discouraging. In the pressure for other types of studies by the Bureau, it appeared to the committee likely that all possibility of an elections yearbook would be lost unless the Association continued to press for its development. Mr. West pointed out the overlapping between his committee and the committee on Political Parties and Elections and suggested that they be consolidated. The Executive Council adopted a resolution expressing its desire that the Bureau of the Census issue an elections yearbook and directing the Secretary-Treasurer to inform the Director of the Census and the proper committees of Congress. Pursuant to the recommendations of the chairman, the Committee was merged with that on Political Parties and Elections and the Committee on Election Statistics was dissolved.

The report of the Committee on Judicial Organization and Administration was presented by Francis R. Aumann, vice-chairman. The report indicated that the principal efforts of the committee during the year 1947 had been devoted to promoting a survey of judicial personnel, including administrative judges. Some progress was reported in the solicitation of funds, although adequate financing remains to be secured. In view of the importance of this study and the fact that it offers an opportunity of coöperation with the American Bar Association, the Executive Council approved the continuation of the committee for the year 1948.

President Macmahon brought to the attention of the Council a letter which he had received from Rodney L. Mott suggesting that journals and other technical papers be collected by members of the Association and sent to foreign universities where they are needed. It was moved that the officers of the Association communicate with the American Economic Association and the Committee for International Educational Reconstruction to determine the manner in which assistance in this matter might be made most effective, the findings to be reported to the members through the REVIEW. This project will be coördinated with the authority by the Council to the Secretary-Treasurer to supply partial sets of the REVIEW from Association stocks.

Belle Zeller presented the report of the Committee on American Legislatures. The chairman, Jack S. Isakoff, reported substantial progress in analytical studies of issues in legislative organization and procedure and summarized developments in national and state legislatures. The report was approved by the Council and the committee continued.

Similar action was taken on the report of the Committee on Latin American Affairs which was presented, in written form, in the absence of the chairman, Russell H. Fitzgibbon.

Avery Leiserson presented a report from the panel appointed by the President to consider the desirability of creating a committee of the Association on Government and Labor-Management Relations. The panel, after discussing in its report the importance of the problem, recommended the appointment of a standing committee of not more than seven members to explore the field of Labor-Management Relations as a whole, to define items of special interest to political science, to indicate topics of research from the viewpoint of political science, and to recommend further activities by the American Political Science Association and its members in this field. This recommendation was approved by the Council, and the incoming officers were directed to establish such a committee.

The report of the Committee on Program was presented by Hugh L. Elsbree. He raised the question whether greater continuity in program-planning would be desirable, and the question was discussed at some length by the Council, without definite conclusion. Closely linked with the

program-planning problem is that of the election of the President of the Association. The suggestion was made that the President be elected a year in advance of the date at which he is to take office in order to give him a better opportunity to become familiar with the affairs of the Association and to enable him to appoint his program chairman at an earlier date.

From the Committee on Nominations, Harold Zink presented recommendations (1) to remove the designation of first, second, and third from the vice-presidencies and (2) to increase the size of the Executive Council from 15 to 21. The Council approved the first of these suggestions and recommended to the Business Meeting a constitutional amendment to accomplish this objective. On motion of V. O. Key, seconded by Taylor Cole, the Council directed the incoming officers to create a Committee on the Constitutional Structure of the Association and referred to this committee the following matters: (1) increase in the size of the Executive Council, (2) institution of the office of President-elect, (3) earlier designation of the program chairman, and (4) such other related constitutional questions as may appear to the committee to offer promise of greater efficiency in the operation of the Association.

Robert D. Leigh reported for the Committee on Memorial Awards. This is a new committee created in 1946. It consists of three panels, one for the Woodrow Wilson Foundation Award in Government and Democracy, one for the Willkie Memorial Building Award in International Relations, and one for the Franklin D. Roosevelt Memorial Foundation Award in Government and Human Welfare. The awards for 1947 were selected by these panels and approved by the committee in accordance with regulations formulated by the committee and submitted as a part of its report. The committee report was received and approved and the committee continued.

John W. Manning reported for the Committee on Local Arrangements. President Macmahon extended the thanks of the Council to the Committee on Program and Committee on Local Arrangements for their efforts in connection with the 1947 meeting.

Harold Zink reported to the Council the names of the persons proposed by the Committee on Nominations to be officers of the Association in 1948. This report was received and referred to the Business Meeting.

The Council adjourned at 9:40 p.m.

The Annual Business Meeting of the Association was held at 4:30 p.m. on Monday, December 29. President Arthur W. Macmahon presided. The President and the Secretary-Treasurer reported to the membership for its information the actions of the Executive Council at its meeting on the preceding Saturday. Topics so reported upon included: the election of members of the Board of Editors; the creation of an *ad hoc* committee on

the REVIEW and the future editorship; the publication of a 1948 *Directory*; membership on the Inter-Society Committee for a National Science Foundation; affiliation with the American Association for the Advancement of Science; approval of the 1940 statement on Academic Freedom and Tenure of the AAUP; membership in the national Commission for UNESCO; appointment of Frederick S. Dunn as American Political Science Association representative on the SSRC; acceptance of the Western Regional Association as a section of the APSA; interest in the publication of a guide to political science materials; personnel service in 1947; authorizing the sending of copies of the REVIEW abroad; accepting the reports of and continuing the following committees: Improvement of Teaching, Research, Publications of the Department of State, Political Parties, Political Participation, Judicial Organization and Administration, Latin American Affairs; creation of a committee on Labor-Management Relations; creation of a committee to conduct an inquiry into the constitutional structure of the Association; report of the Audit Committee; report of the Endowment Committee; report of the budget for 1948, including the elimination of the registration fee at the annual meeting.

Several items of business were reported from the Council to the Business Meeting for action. The first was a proposal for an amendment to the Constitution concerning fees as follows:

A. That Article III, Section 1, of the Constitution be amended to read as follows: "1. Annual Members. Any person may become a member of this Association upon payment of six dollars sixty cents and after the first year may continue as such by paying annual dues of six dollars sixty cents."

B. That Article III, Section 4, of the Constitution be amended to read as follows: "Life Members. Any individual paying dues of two hundred dollars in a lump sum, or in eight annual installments of twenty-five dollars each, shall be a life member of this Association."

C. That Article III, Section 5, of the Constitution be amended to read as follows: "Associate Members. Any graduate or undergraduate student registered in a college or university may become an associate member of this Association upon payment of three dollars sixty cents and after the first year may continue as such, as long as he is so registered, by paying annual dues of three dollars sixty cents."

D. That a new paragraph to be numbered 6 be added to Article III of the Constitution as follows: "6. Family Members. A second person in a family who desires to become a member may do so upon the payment of two dollars and after the first year may continue as such as long as there is another member in the family, by paying annual dues of two dollars. Each member, except a family member, shall be entitled to a copy of each number of the AMERICAN POLITICAL SCIENCE REVIEW issued during his membership."

The amendment as submitted was unanimously approved.

The second proposal was for an amendment to eliminate reference to vice-presidents by number. This amendment was as follows:

That Article VII, Section 1, of the Constitution be amended to read as follows:

"The President shall preside at all business meetings of the Association and of the Executive Council. Except as may be otherwise specifically provided, he shall appoint all committees of the Association and shall perform any other duties that the Executive Council may assign to him. In case of his absence or disability, his duties shall devolve upon the one of the Vice Presidents designated for that purpose by vote of the Executive Council."

The amendment was unanimously approved by the members.

Former President William Anderson offered the following resolution, which was unanimously adopted:

"Much has been and much will be said about the motivations that lead men to put forth effort instead of living at ease. Love of power, the desire for public applause, and economic motivation, have all received much attention, if not at times exaggerated emphasis. Alongside of, if not above these, it may be submitted, there is one that means more than any other toward the successful operation of free and democratic institutions and the promotion of the public welfare in every line of endeavor. It is the spirit of devoted service and self-sacrifice in the interest of great causes. Without this spirit, free institutions could not operate effectively; science, education, and human welfare services could not be promoted.

"We see this principle in operation in countless ways in American life. It has been exemplified and illustrated time and again in the work of our own Association. Today we think of one of our members, Kenneth W. Colegrove, who first accepted the Secretary-Treasurership of the Association with great reluctance, and then proceeded through eleven arduous years, practically without monetary reward, to render to the Association a magnificent and unstinting service. During his years in office, and largely as a result of his efforts, the Association increased its membership, improved its finances, and greatly expanded the services it renders to the profession of political science and to the public. All this he did at great sacrifice to himself, and clearly without thought of other reward than the satisfaction of helping to promote the interests of political science and of political scientists as a professional body.

"Be it, therefore, resolved that the Association take this opportunity to express to Kenneth Colegrove its deep appreciation of the value of his splendid services to the Association, and the hope that now he will find the health, energy, and time that he has long desired to pursue his own studies and teaching, through which we know he will contribute greatly to the advancement of political science in our times."¹

Vice-President Quincy Wright offered the following resolution, which was unanimously adopted:

"That the American Political Science Association express its sincere appreciation to the Program Committee and to the Committee on Local Arrangements for planning and facilitating the program of the Forty-Third Annual Meeting.

"Be it further resolved that the Association likewise extend its thanks to the Statler Hotel for the thoughtful cooperation which it has extended under trying circumstances in carrying through the program of the meeting.

"Be it further resolved that the Greater National Capitol Committee of the Washington Board of Trade also be thanked for the assistance rendered in the registration and other aspects of the program."

¹ Earlier in the course of the meeting, President Arthur W. Macmahon voiced the Association's warm appreciation of Professor Colegrove's services and on behalf of officers and councillors who had served with him presented him with a testimonial in the form of a desk clock and barometer.

The Committee on Nominations made its report as follows: for President, Henry R. Spencer; for Vice-Presidents, Estes Kefauver, Hans Kelsen, Roscoe C. Martin; for members of the Executive Council, H. F. Alderfer, J. B. Shannon, J. M. Ray, Merle Fainsod, and Ben M. Cherrington. The President invited further nominations, but none were forthcoming, and on motion, the nominees were unanimously elected as officers of the Association for 1948.

The Business Meeting adjourned at 6:10 P.M.

A meeting of the new Executive Council was held at 9:30 P.M. on Monday, December 29. Present were: President Henry R. Spencer, Managing Editor Frederic A. Ogg, Secretary-Treasurer Harvey Walker, and the following members of the Council: Taylor Cole, George A. Graham, Merle Fainsod, Belle Zeller, Joseph M. Ray, J. B. Shannon, John Vieg, Llewellyn Pfankuchen, R. H. Connery, and former presidents Arthur W. Macmahon and William Anderson.

The Secretary-Treasurer raised the question of whether the office of Assistant Secretary-Treasurer should be filled. The Council decided that no action should be taken on the matter at present and directed the Secretary-Treasurer to communicate with the Council if he deemed it necessary to fill the vacancy during the course of the year. The importance of a careful canvass of available persons was emphasized.

Arthur W. Macmahon raised the question of whether members should be notified to submit resolutions in advance of the Annual Meeting. It was suggested that the Secretary-Treasurer put a note into the Preliminary Program inviting such communications. However, in view of the fact that resolutions frequently arise out of the deliberations of panels and roundtables, it was felt desirable to refer the question to the *ad hoc* Committee on Constitutional Structure created at the earlier meeting of the Council. Another doubtful point referred to that Committee for clarification was the matter of the date of the beginning and ending of terms of the officers.

The Secretary-Treasurer presented a letter from Dale Pontius requesting that the Association initiate a proposal to other learned societies in the social sciences for the making of representations to the Far Eastern Commission, to the State Department, and to the Department of National Defense looking toward the admission into Japan of independent scholars who desire to make studies in the field of the social sciences. The matter was referred to the Committee on International Cultural Relations with a request that the situation be explored, both with reference to the policy of the authorities in Japan and with reference to the experience and attitude of other learned societies. The committee was requested to report to the Council promptly, so that, if advisable, a mail ballot might be taken on an appropriate resolution.

A question arose as to whether under the constitution committees are presumed to continue from one year to the next without action by the Executive Council. Some members of the Council felt that the presumption should be in favor of the continuance of the committees, others felt that they should be continued only by express action of the Council. In view of the silence of the constitution, the question was referred to the Committee on Constitutional Structure for clarification.

The Council adjourned at 11:00 P.M.

HARVEY WALKER, SECRETARY-TREASURER.

LETTER RECEIVED BY PRESIDENT ARTHUR W. MACMAHON FROM THE PRESIDENT OF THE UNITED STATES.

THE WHITE HOUSE
WASHINGTON

December 23, 1947

MY DEAR DR. MACMAHON:

I wish to acknowledge the receipt of your invitation to address the forty-third annual meeting of the American Political Science Association. To my regret, circumstances will prevent my attendance.

We are confronted today with the great rôle which history has assigned the United States in world affairs and with the need for so harnessing our national resources that the American people can enjoy their cherished liberties in economic security. It gives me satisfaction to see that the discussions planned for this year's meeting of the American Political Science Association center on these two basic themes. Political scientists have a singular responsibility, in research as well as in teaching, to give the citizen a mature understanding of the essentials of democratic government; to outline ways and means of making our political system the most effective agent of the common good; and to keep us ever mindful of the benefits that come to each of us from living under our Constitution.

I should like to extend to you and the entire membership of the American Political Science Association my best wishes for a most successful meeting.

Very sincerely yours,

HARRY S. TRUMAN.

REPORT OF THE AMERICAN POLITICAL SCIENCE
ASSOCIATION'S COMMITTEE ON AWARDS

Following the presidential address, on the evening of December 28, the Committee on Awards, with its chairman, Dr. Robert D. Leigh, of the Social Science Research Council, presiding over the general session, presented its first annual report. For the Committee, Dr. Leigh spoke as follows:

Mr. President: Your Committee, authorized by the Association at its meeting a year ago, has considered forty-one books and documents for the memorial awards in political science. And the committee's panels have reached unanimous agreement on the best publication of the year in each of the three designated fields: government and democracy, international relations, government and human welfare. In making the selections, primary attention has been given to quality of research, intellectual penetration, and wise judgment, on the part of the authors.

Our review has provided a first occasion for appraising the postwar output in political science. We were all *generally* aware that during the preceding four years the professors of political science were drawn away in large numbers from the peacetime pursuits of teaching and research for war-making activities of all kinds, so that in the universities the maximum strategy could be only that of holding the fort. We are all now *acutely* aware that upon the professors' return to the postwar campus they have been almost overwhelmed by the necessary emergency tasks of large group instruction.

At the same time, it is abundantly evident that the public problems of our day are problems of government—of perfecting the processes of democracy, of fashioning the organs of international deliberation and administration, of resolving again in new settings the eternal paradox of social regulation on behalf of public order and general welfare with individual liberty and widely-distributed initiative. These are tasks for many hands—not least, tasks to which patient, hard, inspired political science inquiry can contribute. Our committee is happy to report that, despite all too evident handicaps of time and funds, political scientists are attacking the major problems.

The year's research product was before us. As always, it contained the contributions of individual writers to the common pot of political science knowledge. But there emerged striking examples of another type of inquiry, the *coöperative* project, with a representative or deliberative committee supported by the researches of full-time staff. In such committee projects, the results of the prolonged, lonely activity of individual research were evident, but also one could sense the presence of the equally difficult disciplines required for meshing the findings of political science with those of the other social sciences and with the natural sciences, of relating political findings to the framework of cultural possibilities.

Is it not significant that with a free field, two of the three winning publications selected by our committee panels were for such a committee product? They are awards made to a *group* of workers whose joint efforts produce a kind of chemical compound which makes allocation of credit to individuals impossible. As the chairman of one of the groups wrote to me: "Ours was genuinely a group product, in thought and draftmanship, and this indeed is one of the chief merits it has, since the members of the group

represented such diverse backgrounds, and, in the beginning, such quite different views on this difficult matter."

In the annual competition that we have inaugurated, there remains certainly a very important place for individual research, perhaps also for the work of a more loosely related fraternity of separated workers attacking a set of problems agreed upon in conference as a major public concern. I refer, of course, to the pattern which our Association's committee on research has been seeking to establish among us.

I hope that this annual assize of the published thinking of political scientists will over the years help to chart the direction of our research effort, and in some small degree by its symbolic pat on the back for work well done, encourage more of our work to be well done.

The Committee is gratified that on this occasion the distinguished representatives of the three memorial foundations which made the awards possible are here to make presentation of the scrolls. Their presence accentuates the double significance of our ceremony. Not only do we honor the recipients of the awards; through the awards, the Association also pays tribute to the memory of three great statesmen—Woodrow Wilson, Wendell Willkie, and Franklin D. Roosevelt—all of whom, combining in rare degree moral principle with the arts of popular leadership, contributed notably to the translation of political science into political action.

For the Franklin D. Roosevelt Memorial Foundation Award, the Panel on Government and Human Welfare cites "To Secure These Rights," a report by the President's Committee on Civil Rights.

For its appreciation of the great American heritage of freedom and equality and the promise of richer harvests in the future;

For its keen and unsparing view of the lights and shadows of human rights in the United States, past and present;

For its bold and sweeping reaffirmation of human rights alike in the local, the national, and the international fields, alike in the technical procedures of law and in the realities of daily life and welfare;

For its statesmanlike and constructive program of translating human rights from promise to performance throughout the land;

In sum, for its distinguished contribution to securing the rights of life, liberty, and the pursuit of happiness in our great American democracy and thus strengthening human liberty throughout the world, we have chosen this report.

The honor of participating in the formulation of this notable public document is shared by all the members of the President's Committee—by its chairman, Charles E. Wilson; by its members, Mrs. Sadie T. Alexander, Mr. James B. Carey, Mr. John S. Dickey, Mr. Morris L. Ernst, Rabbi Roland B. Gittelsohn, Dr. Frank P. Graham, The Most Reverend Francis J. Haas, Mr. Charles Luckman, Mr. Francis P. Matthews, Mr.

Franklin D. Roosevelt, Jr., The Right Reverend Henry Knox Sherrill, Mr. Boris Shishkin, Mrs. M. E. Tilly, Mr. Channing H. Tobias; and by its professional staff headed by Mr. Robert K. Carr as executive secretary, Mr. Milton D. Stewart as director of research, and Miss Nancy F. Wechsler as counsel.

For the Willkie Memorial Building Award, the Panel on International Relations cites "A Report on the International Control of Atomic Energy," prepared early in 1946 by a Board of Consultants for the Secretary of State's Committee on Atomic Energy.

This report stands as a landmark in the long story of man's effort to control himself in the field of international relations. For its bold, imaginative, and constructive approach to one of the most baffling and challenging problems of our times, it deserves the highest praise not only from political scientists, but from all men and women everywhere who cherish the ideal of "One World" so clearly enunciated by Wendell Willkie.

To each member of the Board of Consultants, namely, David E. Lilienthal (chairman), Chester I. Barnard, Dr. J. R. Oppenheimer, Dr. Charles A. Thomas, and Harry A. Winne, belongs the honor of having shared in the preparation of this pioneering achievement. The honor is shared also by the State Department Committee on Atomic Energy, of which Dean Acheson was chairman, and Vannevar Bush, James B. Conant, Leslie R. Groves, and John J. McCloy were members.

It was under the general direction of this Committee that the Board of Consultants prepared the Report which, as its author declared, was intended, "not as a final plan, but as a place to begin, a foundation on which to build."

For the Woodrow Wilson Foundation Award, the Panel on Government and Democracy cites *The Web of Government*, by Robert M. MacIver.

This book covers the entire field of government: its social origins and historical forms; the myths and beliefs that sustain it and the cultural conditions modifying its form and policy. It is a book, moreover, that makes clear the complex interrelations of all these factors of permanence and change in the political world, revealing particularly the intricate institutional structure now required for the vast experiment of democracy. The book is appropriately entitled *The Web of Government*.

I have great pride and pleasure in presenting its author, Robert M. MacIver: a scholar first trained in the classics and in comparative literature at Edinburgh and Oxford, later a student of the evolution of social organization and social theory, and an author of distinguished works in this broad field. Formerly a teacher at Aberdeen and Toronto Universities, he is now, since 1929, Lieber Professor of Political Philosophy and Sociology at Columbia University.

BOOK REVIEWS AND NOTICES

Presidential Government in the United States; The Unwritten Constitution.

By C. PERRY PATTERSON. (Chapel Hill, N. C.: University of North Carolina Press. 1947. Pp. ix, 301. \$3.75.)

This is another of the books which have appeared in recent years dealing with the important problem of a better organization of the relationship of Congress and the President. Professor Patterson contends that this problem is the outcome of a revolution in which the Supreme Court and the party system have been the chief instruments, and he devotes several chapters to an explanation of this development.

Beginning with the rôle of the Supreme Court in this revolutionary process, he finds that in the exercise of its function of judicial review the Court followed a fairly consistent nationalistic interpretation of the Constitution. He shows how this philosophy of nationalism was fixed by the Court and applied to limit the powers of the states and to expand those of Congress. In an historical analysis of the office of President, he outlines its development from its consideration and establishment in the Constitutional Convention to the period of presidential supremacy, and gives a good account of the reasons for this result.

The author then considers the party system as the other chief instrument by which social and economic changes left their impact upon the Constitution. After a discussion of the relation of the constitutional to the political executive, he traces the evolution of party government from its beginning in Washington's administration to the present time. He finds that as party government controlled Congress, the President found it necessary to control his party and thus became the political as well as constitutional executive.

In four chapters: "The President as Party Leader," "The President as Political Executive," "The President as Chief Administrator," and "The President Over the Judiciary," Professor Patterson gives a realistic account of the process by which the President became the political executive. He finds that this has led to practically unlimited party government exercised primarily by the President as party leader. These chapters show the result of careful reference to leading authorities. It is regrettable that the author did not have the opportunity of examining Corwin's *Total War and the Constitution* and Binkley's *President and Congress*, both published only recently.

In the last two chapters "The Readjustment of the Relation of the President to the Congress," and "The Advantages of the Proposal," the defects of other plans and a solution of the problem of making this unlimited government responsible are discussed in detail. Like other

writers, the author recognizes the practical impossibility of securing the latter by means of constitutional amendment. While the plan of giving members of the cabinet seats in Congress would not encounter constitutional objections, he believes it is invalid in principle and at best would be a piecemeal readjustment of the relationship. He therefore advocates a cabinet composed of the members of the party majority in Congress, which would be responsible to such majority. He gives careful consideration to the procedure involved in the establishment of the proposed system which would involve no constitutional or statutory enactment, contends that it would make our government more like what it was intended to be and what is desired by the people today, and indicates its many advantages.

Some defects, chiefly of form, must be noted. While footnotes to some quotations indicate that italics are by the author, in at least thirty-five instances this explanation is not given. Upwards of twenty quotations are incorrect in one or more words or in capitalization. About ten footnotes contain wrong citations to volume or page. On page 228, a statement based on Bates' *The Story of the Supreme Court* not only contradicts what Bates said, but states that William E. Borah advocated the appointment of Hughes as Chief Justice, while in fact he was one of twenty-six senators who voted against confirmation of the appointment. The index is adequate and the bibliography, despite attributing a work of one Willoughby to his twin brother, is good.

Notwithstanding the above defects, the text shows original and careful treatment and will be stimulating and suggestive to students of the problem. While most authorities make tentative suggestions for improving executive-legislative relationships, Professor Patterson has confidence in his solution, although he is not unaware of possible defects in his proposal nor of difficulties in its operation if it were adopted.

ISIDOR LOEB.

Washington University.

The Constitution and Civil Rights. BY MILTON R. KONVITZ. (New York: Columbia University Press. 1947. Pp. x, 254. \$3.00.)

Dr. Konvitz's volume supplies an admirable background to the report of the President's Committee on Civil Rights which was given to the public last October 29. The report lays down an extensive program of federal legislation, embracing an anti-lynching law, an anti-poll-tax law, and a Fair Employment Practices Act. The materials which are comprised in the present volume throw much light on the constitutional questions raised by these proposals, as well as on their source and motivation.

Explaining the title of his volume, Dr. Konvitz distinguishes between "constitutional liberties" and "constitutional rights." For the most part,

the line he draws coincides with the distinction between those rights which stem directly from the Constitution, "are self-enforcing," so to speak, and those which need to be implemented by sanctioning legislation. Dr. Konvitz treats only of the latter. Thus Part I deals with federal legislation, beginning with the Civil Rights Act of 1866; Part II deals with state legislation prohibiting discrimination and state legislation "compelling or allowing segregation or discrimination"; and the appendices include, along with proposals for new legislation, the New York, New Jersey, and Massachusetts laws against discrimination in employment and the civil rights acts of eighteen states.

It is not improbable that Dr. Konvitz was moved to write this volume by the decisions of the United States Supreme Court in *United States v. Classic* in 1941 and *Screws v. United States* in 1945, in which Sections 51 and 52 of the United States Criminal Code were exhumed and reanimated. A vital feature of both holdings is the restoration of the doctrine, first laid down in 1879 in *Ex parte Virginia* (100 U. S. 347) that action by a state official violative of Section 52 is state action within the sense of the Fourteenth and Fifteenth Amendments, even though it be contrary to state law. In the *Barney* case, decided in 1904, this doctrine had been in effect qualified out of existence.

Of the constitutional questions which Dr. Konvitz discusses, I have space for brief mention of two. The first one is whether Congress can, under the Fourteenth Amendment, make lynching a federal crime when only private persons participate in the outrage. "In at least two cases," Dr. Konvitz points out, "the notion that inaction may be state action, and may constitute denial of due process was present" (citing *Truax v. Corrigan*, 257 U. S. 312, and *Powell v. Alabama*, 287 U. S. 45). He might have added the contention that inasmuch as protection of the law is the general rule, total lack of it constitutes unequal protection.

The second constitutional question to which I can refer concerns the power of Congress to enact a Fair Employment Practices Act. The *Darby* case (312 U. S. 100) sustained the Fair Labor Standards Act on the basis of the proposition that Congress's power to regulate interstate commerce includes the power to prohibit it; and there seems to be no reason why the same proposition may not be brought to the support of a Fair Employment Practices Act.

Altogether, this is a timely, informative, and competently put together volume.

EDWARD S. CORWIN.

Princeton University.

William Rufus Day: Supreme Court Justice from Ohio. BY JOSEPH E. McLEAN. (Baltimore: The Johns Hopkins Press. 1946. Pp. 172. \$2.00.)

It is generally agreed among students of the Supreme Court and of

American constitutional development that an element of primary importance in understanding the public-law functions of the high tribunal is an awareness of personality factors in the interpretation of our basic charter of government. From this point of view, it is surprising how large the unexplored field of authoritative judicial biography remains. Many of the giants of our judicial history have received notable attention, but few of those of lesser stature (though important for over-all understanding of the Court's work) have received any at all.

This careful and able book attempts to remedy the situation with respect to Justice Day. The latter was not an outstanding figure on the Court. During his almost twenty years of service (1903-22), he was outshone by Holmes, White, Hughes, Brandeis, and Taft. To the current crop of students of constitutional law, he is perhaps best known as the author of the majority opinion in the first child labor case. Aside from this mark of dubious distinction, he seems to have slipped from the nation's memory. Dr. McLean's book urges that he deserves more from his country.

An able small-town lawyer, life-long Republican, and friend of McKinley, Day was called to public service in the State Department after McKinley became president. He served as Secretary of State during the Spanish-American War, was a member of the peace commission, and accepted McKinley's appointment to a federal judgeship in 1899. After the latter's assassination in 1901, it appeared unlikely that Day would go farther. Somewhat unaccountably, however, Roosevelt appointed him to the Supreme Court in 1903.

The net impression one gets is that of a nineteenth-century judge—by training, preference, and ingrained outlook reinforced by experience—faced with the growing problems of a twentieth-century industrial civilization and basically unable to fit them into his political and judicial philosophy. It is not accurate to describe him as a doctrinaire advocate of *laissez faire*. He was not opposed, on principle, to government action in general. He did fear, however, extreme concentration of power, whether political or economic in nature. This was translated in constitutional terms into a formalistic conception of the federal compact emphasizing the narrowness of delegated federal powers and the breadth of reserved state powers—with particular importance attaching to his conception of commerce as an economic process that did not, under any circumstances, comprehend production. He was apparently unable to see that the conditions of the new century would make inevitable a considerable expansion of central authority precisely because the nation was becoming more closely integrated in economic terms. "Like most of his contemporaries," says Dr. McLean, "he accepted the twentieth century with a certain reluctance" (p. 161). One can understand, and sympathize with, and even perhaps be a little nostalgic about, the "good society" which Justice Day

thought the Constitution required. One can also understand why a good and able and honest man possessed of these views should disappear into virtual obscurity on his departure from the bench. Despite Dr. McLean's persuasive efforts, Justice Day is likely to remain best known as the man who formulated, in the 1918 child labor opinion, one of the screaming anachronisms of the Court's history.

VINCENT M. BARNETT, JR.

Williams College.

The Federal Administrative Procedure Act and the Administrative Agencies.

EDITED BY GEORGE WARREN. With an Introduction by Dean Arthur T. Vanderbilt. New York University School of Law Institute, Proceedings, Vol. VII. (New York: New York University. 1947. Pp. vii, 630. \$7.50.)

This institute, here reported, represents the first attempt to assess the changes in administrative procedure brought about in any large number of agencies and departments by the new Federal Administrative Procedure Act. Representatives of, or practitioners before, some fourteen of the most important agencies discuss its effect on the operations of their respective bodies. Most of these studies follow an outline which makes possible a comparison of agency interpretations of particular provisions concerned with publicity, rule-making, adjudication, or judicial review. There is wide variation in the quality and comprehensiveness of the essays, but even the poorest will be found of considerable value by anyone interested in any phase of the subject. It is revealing to discover, for example, the varying interpretations that have been placed on the purpose, scope, and effect of the requirement of publicity in administrative action, or of what constitutes an application for an initial license, etc.

Throughout the discussion and question periods following each paper runs a fear of "secret" instructions or conferences, refuted by each agency speaker, but continuing nevertheless. Also, as might be expected, agencies have interpreted the act in most cases as at most confirmatory of existing procedures, while practitioners urge wider obedience to "the spirit of the act." Finally, practical application of the provisions of the statute reveals that, as was predicted in many quarters, it creates at least as many problems as it solves. This has led some agencies with the responsibility for enforcing a number of related statutes to apply the law, "seeking so far as possible to avoid controversies as to how particular procedures should be labeled under the terminology of the act, and focusing attention initially on what procedural steps the parties consider appropriate." Other agencies confess themselves baffled as to the effect or purpose of this legislation with respect to aspects of their activities and hope for early judicial interpretation to guide them.

Three general essays open the volume: one on the history of the statute

by Dean Vanderbilt, one a general analysis of it by Carl McFarland, and a critique by Professor Frederick F. Blachly, followed by a reply by Mr. McFarland. This section contains nothing that has not appeared in print before, and is somewhat disappointing. It is less than satisfactory to discover that the only answer that a representative of the Bar Association could give to Professor Blachly's carefully reasoned and documented criticism is that one not a lawyer cannot understand such a statute.

The volume closes with another group of three general essays: one on rule-making, one on adjudication, and one on judicial review provisions of the statute. The first two are neither profound nor thorough and add little to the value of the book. The third, by Professor John Dickinson, is of his customary scholarly quality. It is his opinion, based upon careful logic and research, that the act can be interpreted reasonably only to make but few administrative determinations reviewable which were not so before; and that the scope of review of such acts is not broadened to the extent intended or hoped for by the legal profession. In fact, in his opinion it may very well remain unchanged by court interpretation, except of course for the statutory grounds for review provided by the existence of the law itself. One can agree with his conclusions without sharing his disappointment.

FOSTER H. SHERWOOD.

University of California (Los Angeles).

Field Administration of Wartime Rationing. BY EMMETTE S. REDFORD. (Washington, D. C.: Office of Temporary Controls, Office of Price Administration. General Publication No. 4. 1947. Pp. xi, 196. \$0.40.)

The author of this monograph served in responsible positions in OPA, first in one of its field units and, toward the end of the program, in Washington. From the former he gained a knowledge of basic administrative problems that hardly could have been obtained outside such service, and from the latter he acquired a perspective that has given balance and greater validity to his analyses, criticisms, and appraisals. Redford's small book was written for students of public administration rather than for the mass of one-time warriors in "the cause." Yet to this other group the book will revive memories of old conflicts, of disappointments, of crushing responsibilities, of jobs partly done, possibly of some triumphs. The sections of the study that deal with local boards will be especially rewarding to both groups. The final chapter, in which Redford brings together those basic conclusions that he sets forth as guides for future administrative action, will be most challenging to political scientists.

Administratively, OPA never quite "found itself." Its history, particularly during the first half of its existence—and continuing to a less notable degree until shortly before it was abandoned—was one of frequent divi-

sional reorganizing and of recasting lines of authority. The fault here, and serious fault it was, may not have been based entirely on a lack of planning by political scientists. It may have been founded as much on the difficulty that top agency planners experienced in gaining a precise conception of the character of the program itself.

At all events, it is in connection with that problem that this reviewer finds the major weakness in the study. The complete story of administrative developments in rationing alone could not be told in a volume of under 200 pages. Consequently, the volume should have been expanded. Redford's generalizations on difficulties that developed out of the conduct of this field program will strike former OPA field staff members as accurate. They will be able to call to mind the illustrative material that gives those views validity. They alone will be able to recall in detail the peculiar experiences that dictated a particular change and the so often unforeseen results of such modifications. Planners for the inevitable future allocations of supplies (inevitable despite a few ill-chosen words of President Truman) will need to know more of the factors that led to the many important shifts in agency management. They must know precisely what the conditions were that made it impossible to apply a generally accepted principle of public administration in given circumstances. They should know exactly what the factors were that made a particular program work effectively in one area and fail in another. The OPA provided a rich laboratory for administrative experimentation. The clinical notes should be made available.

The author of this monograph may well conclude that the book has satisfied an immediate need of the general public for a short history and appraisal of the nation's field rationing experience. But, as he knows, plans for administrative structures of the future will not be drawn by people in general. Thus, he may consider it his privilege now to turn to the specialists. On the basis of his rich experience and extensive research, he can build studies for students of public administration that will bear fruit in improved procedures and administrative structures for the future—studies founded on scholarly and revealing analyses of the near past. We hope for a decade of calm, time enough to provide Redford with an opportunity to tell what he has learned in his four years with OPA.

CHARLES AIKIN.

University of California.

Protection of Foreign Interests; A Study in Diplomatic and Consular Practice. BY WILLIAM McHENRY FRANKLIN. (Washington, D. C.: Government Printing Office. 1946. Pp. vii, 328. \$1.50.)

The United States currently performs services of a protection character on a formal basis for approximately thirty countries spread widely over

the world. Such arrangements do not include, of course, those instances where this government performs an occasional good office on behalf of one government within the jurisdiction of another. Such third-power protection activity is a prominent function of almost all American Foreign Service establishments and requires much attention by officers of the Department of State at Washington. In spite of its scope, this phase of American diplomatic and consular activity is little known and still less understood.

In a very real sense, therefore, Dr. Franklin's study is a useful and necessary one. Written under the auspices of the Department of State and the immediate supervision of the division charged with the direction and administration of our protection activities, it is an effort to fill an important gap in the literature of American foreign relations. Such a study has been needed by the American Foreign Service officer who is, or may be, charged with the protection of a foreign interest and the student of American diplomatic and consular practice who wishes knowledge of this integral part of American foreign policy and practice. The present publication goes far toward meeting these objectives.

Dr. Franklin has endeavored to achieve his aims by organizing his material to show the historical development of American protection practice and to state the broad lines of the program as they are now applied. With mention of outstanding examples, the first three chapters are devoted to an historical treatment and trace the development of third-power protection of interests from the beginning of the system of extraterritoriality through the termination of hostilities in 1945. The three remaining chapters are an analysis of (1) the basic principles of protection practice; (2) certain of the administrative procedures characteristic of protection activity; and (3) certain specific duties of the protecting power. The analytical approach of the last three chapters is frequently modified by recourse to historical illustration. Hence Dr. Franklin has found himself in the awkward situation where within the limits of a small book he endeavors to combine a presentation of historical development and an analysis of present practice through illustration. He might more wisely have attempted a frank historical treatment of the practice, for which there was an abundance of material available to him, or alternatively a thorough analytical study drawing upon the necessary historical data for support.

No writer could have handled this topic under more favorable conditions than those available to Dr. Franklin. At the time of writing, he was an officer of the Department of State. He was in close association with those persons in the Department who handled protection matters during the war, and in fact he participated in certain of those activities himself. He had available to him the files of the Department as well as those of the

National Archives. The value of his study might have been enhanced somewhat, however, if he had included a bibliographical statement, as the only indication of materials available on the subject is that found in numerous footnote references.

In accordance with its stated purpose, the book is directed primarily toward the protection practices of the United States government, and mention is made of the practices of other governments only as they relate to American procedures. This is unfortunate, as the Department is immediately concerned with three types of protection activity. There is that upon which Dr. Franklin concentrates, the performance of services by an American officer. There are also, however, the performance of services for the United States by a third power and the supervision by the Department of third-power activity in the United States. These are mentioned, but inadequately developed. Yet it is recognized that the writer's task was specific, and that digressions into other phases of protection activity were possibly beyond the scope of his assignment; also that certain interesting statistical data contained in the appendices somewhat offset the deficiency.

Dr. Franklin has made a valuable contribution to the literature of American diplomatic and consular practice. He has, in particular, drawn together the history of United States third-power protection activities and applied it to an analysis of that practice. He has, in addition, done much to clarify the confused terminology of the subject. This government enters a protection arrangement with another government believing that the performance of such services as the arrangement entails is in the interest of friendly international relationships. By the same token, such services should be more widely understood.

RICHARD E. HIBBARD.

*State Teachers College,
Eau Claire, Wis.*

American Communism; A Critical Analysis of its Origins, Development, and Programs. BY JAMES ONEAL AND G. A. WERNER. (New York: E. P. Dutton and Company. 1947. Pp. 416. \$5.00.)

A genuinely objective and analytical study of American Communism is badly needed, for the present high tension between the United States and the Soviet Union might be relieved by a dispassionate examination of ideology. Unfortunately, Oneal and Werner, in *American Communism*, have failed to meet the contemporary need. The most valuable part of their book was presented in the first edition (1927), and the present revision adds little.

The authors of *American Communism* write from a Socialist point of view, and to them the Lenin-Stalin version of Marxism is rank heresy,

especially the advocacy of violent revolution. The description of the origin and growth of American Communism goes over territory rather well known to most political scientists. *American Communism*, however, will be a convenient reference for the details of Communist party history, since busy scholars have difficulty in following the numerous "splinters" in Marxism. While there is no reason to question the "facts" of Communist party history, the interpretations and conclusions drawn from them are open to controversy. Many political scientists will not accept the O Neal and Werner views as correct evaluations.

The gravest defect in *American Communism* is its failure to undertake an explanation of why Communists behave as they do rather than angrily denouncing them for their conduct. The essays of the last third of the book are not temperate in tone; at times they read like the fulminations of the American Legion, to whose publications the authors occasionally turn for citations. Sometimes the authors appear to approve the findings of the Dies-Thomas Committee, though in footnotes they disclaim approval of its work.

The thesis of *American Communism* is that the Communist "movement" in America is a misinterpretation of Karl Marx, while its followers are primarily of foreign antecedents, particularly Slavic, and with no understanding or appreciation of the American way of life. Since the establishment of the Soviet Union, O Neal and Werner contend, American Communists have been slavish followers of Moscow. Students will note how powerful nationalism is, even in dividing the followers of Karl Marx. The sagest observations and a summary of the whole book follow:

"One cannot follow the development of the Communist movement without being impressed by the fact that it is a special product of Russian history. It is as much so as tropical vegetation is peculiar to the equatorial zone. Given the institutional evolution of Russia, it was likely to shape some revolutionary group like that of the Bolsheviks. Russian economic and bureaucratic history weighs like a mountain upon the minds of Communists. They cannot shake it off. They think in terms of this history, they see the rest of the world through it, and everything else assumes the character, dimensions, coloring, and importance of an experience that is Russian. Expounding the importance of the economic determination of history, they permit themselves to be its intellectual prisoners. The variation of climate, geography, language, customs, historical and psychic backgrounds that characterize each nation does not appear to impress the Communist" (pp. 211-212).

An elaboration of this clear insight would contribute far more to an understanding of world difficulties than mere denunciations of Soviet depravity and Communist duplicity. The task of scholarship is to rise above diatribes into the field of exposition and causation. If *American*

Communism is a disappointment, it is because the authors were not clear whether they were writing an objective history or a critical analysis. They failed to do either successfully.

JASPER B. SHANNON.

University of Kentucky.

Why They Behave Like Russians. BY JOHN FISCHER. (New York: Harper and Brothers. 1947. Pp. viii, 262. \$2.75.)

Books on the Soviet Union by journalists and other visiting foreigners who have had face-to-face contact, however brief, with the Russians still command a large public. This derives in part from the difficulty of contact with the U.S.S.R. and in part from the popular belief that the man who was there knows the truth. It is, unfortunately, too often forgotten that first-hand knowledge does not necessarily beget wisdom or omniscience. Yet journalists and others feel impelled either by an inner force or by publishers' fiats to act as if they were omniscient. *Why They Behave Like Russians* illustrates the point.

Mr. Fischer has pursued a varied career as journalist, wartime civil servant with the Board of Economic Warfare, and member of an UNRRA mission to the Ukraine. He also achieved mild notoriety when his UNRRA chief scored the book under review as hasty and ill-considered. Mr. Fischer is not conversant with the Russian language. He spent something more than two months in the Ukraine. Yet he is better equipped to write a book on Russia than most correspondents who have known only the Hotel Metropole, the press section of the Soviet foreign office, Ivan the trusty chauffeur, and Masha the faithful secretary. In the kingdom of the blind, the one-eyed are kings.

Mr. Fischer gives us the USSR from A to Z. The one-party system, the Politburo, planned economy, Soviet labor, the collective farm, Soviet foreign policy, and a proposed American policy—all are presented. In so far as possible, too, Mr. Fischer has illustrated his conclusions with examples from his own experience. There are then two facets to the work—what the author saw and heard and what the author has inferred either from his own experience, from the experience of others, or from what he has read.

The sketches of life in postwar Ukraine make good reading. The vignettes of battered Kiev, Ukrainian bureaucrats, police agents, workers, collective farmers, and harassed housewives provide the reader with a feeling for the human element which does not appear in cold analysis. Such material is particularly welcome after the long drought of the last dozen years. To be sure, Mr. Fischer does not begin to touch John Scott in his *Behind the Urals*. But we must be thankful for what we can get these days.

The writer's analyses are another matter. It is true that he does not presume as much nor generalize as excessively as other hasty visitors to the Soviet Union. It is also true that his short chapters on the Communist party, labor, and the collective farm are well done in a simplified way. Mr. Fischer does, however, take too much upon himself. Neither his experiences nor his previous preparation in the Soviet field warrant all his pontifications, no matter how charmingly written. Why must each visitor to the USSR offer an analysis of Soviet foreign policy and a program for the State Department? Either the writers or their publishers assume that readers will read no more than one book on Russia, and that they consequently must receive a complete course in one book.

Mr. Fischer writes with ease and skill. Portions of his book have already appeared in different popular periodicals, and the style and presentation seem to have been tailored to the specifications of these periodicals. Fischer has both the virtues and the faults of the slick news magazine writers. He is breezy, interesting, easy to follow, but too often at the expense of subtlety and accuracy. Accuracy is often forgotten in haste, for the sake of a *bon mot* or for a point. Fischer asserts, for example, that the American Communist party actively supports the creation of an autonomous Negro republic in the Black Belt. This program has been dead for a dozen years. We are told that only the Ukrainian-Byelo-Russian and Armenian S.S.R.'s have their own ministries of foreign affairs, when all sixteen republics are in fact so endowed. We are told that the statute of February, 1944, ostensibly gave the sixteen republics autonomy in foreign affairs; but there was no hint of even ostensible independence. Fischer persists in referring to the NKVD, when its security functions are now in the province of the MGB (Ministry of State Security).

What is Mr. Fischer's contribution to the student of Soviet affairs? One may be assured of a pleasant evening's reading, some lively accounts of life in the Ukraine, a few simple but useful chapters on Soviet institutions, and an array of opinions which any well informed person can reject or accept without deference to superior authority.

SIDNEY S. HARCAVE.

Champlain College.

The United States and Russia. BY VERA MICHELES DEAN. (Cambridge, Mass.: Harvard University Press. 1947. Pp. xiv, 288. \$3.00.)

In this addition to the American Foreign Policy Library Series, edited by Sumner Welles, Mrs. Dean flings her net wide. Without obvious cramming, she finds space for history, geography, the Soviet economic system, social and political affairs. A welcome feature is the full attention given to significant postwar developments in the relevant fields, here brought together for the first time in a convenient form.

In the reviewer's opinion, the analysis of domestic affairs is by far the most satisfactory portion of the book. The absence of the economic and other prerequisites of liberal or Western democracy in Russia receives deserved emphasis. The same is true of the differing Soviet and Western definitions of democracy. For the space available, the rise of the Soviet middle class and the importance of opportunities to climb the social ladder as a source of loyalty to the régime are likewise well treated. However, the author under-emphasizes the extent of ideological controls in her statement (p. 44) that the Soviet government does not indulge in "book-burning." A Russian youth who now quotes Anna Akhmatova (p. 44) would be well advised to do so under his breath, since she and many other formerly popular Russian authors have been castigated by Zhdanov. In *Pravda*, September 21, 1946, Zhdanov expressed the official Soviet viewpoint on ideological controls when he stated that "if junk is produced in a factory," the producer is punished, and a stronger penalty must apply to one who "produces junk in connection with the education of human souls," as this is a far greater sin.

The interpretation of Soviet foreign policy, nearly three-quarters of the book, is less satisfactory. Although Mrs. Dean concedes that "ideological controversy frequently obscures what are fundamentally strategic conflicts" (p. 160), her main thesis insists that the "basic struggle between the United States and Russia is a struggle of ideas" (p. 284). On this basis, she presents an attractive and simple prescription. The United States and Russia should sink their ideological differences and declare war against hunger, disease, illiteracy, poverty, and fear. "In this war," according to the closing sentence of the book, "the United States and Russia can fight together as peacetime allies." On a more immediate level, Mrs. Dean states that America should be willing to support a middle way somewhere between free enterprise and the Soviet economic system in those areas of the world where Russian and American interests conflict, or in other words that the United States should be willing to accept social and political change, and to work with leftist liberal movements to promote peaceful readaptation. The author recognizes some of the difficulties involved in such a policy, e.g., the present vitriolic hostility of the Communists, both in and outside of Russia, toward the non-Communist left and the failure of such groups to win and hold popular allegiance. Despite these and other major obstacles, however, she apparently regards this policy as the most effective one the United States can adopt.

Except for occasional passing references, Mrs. Dean does not grapple directly with the hypothesis that the conflict between the United States and Russia—along with the ideological conflict—is an orthodox power struggle in which both the Russians and the Americans have proceeded on the assumption that the only possible threat to their security after the

defeat of Germany and Japan would have to come from the other great power. This is somewhat curious, as she adopts to a considerable extent the extreme geographic determinism of the so-called realist school of international affairs, a viewpoint whose limitations have been recognized by a full generation of other social scientists. If the author had considered this hypothesis, she might have shown less faith in the "middle way," and have considered the possibility that both Americans and Russians are under compulsion to be more interested in obtaining régimes inclining in their own direction and consolidating their own power than in raising the world's standard of living.

Except for what the reviewer regards as a failure to deal with the essential issue, Mrs. Dean's book is scrupulously fair, and free of pro- or anti-Soviet bias. In view of various efforts to smear the writer as a party-liner, this point deserves underscoring. The book is equipped with a good index and some useful, though rather incomplete, suggestions for further reading.

BARRINGTON MOORE, JR.

University of Chicago.

The Germans in History. BY PRINCE HUBERTUS ZU LOEWENSTEIN. (New York: Columbia University Press. 1945. Pp. xii, 584. \$5.00.)

The world has now been enriched by another doctrine. It is the metaphysical-teleological interpretation of history. If Prince Loewenstein's most recent work is a fair sample of this dogma, the world could very well have done without it.

The book under review is difficult to classify. It purports to be a "spiritual" history of the Germans. But for a sound history it lacks continuity and detachment, and as far as the "spiritual" part is concerned, Prince Loewenstein chooses only two salient ideas and dismisses all others to the realm of "error." These two, which in the author's hands become really one, are the ideas of universal Christianity as represented by the Catholic Church, and the idea of the *Reich*, as crystallized by the Holy (or, as the author calls it, Sacred) Roman Empire. As a good Hegelian, the author searches for that elusive "meaning" of history and finds it in the idea of the universal empire, the *Reich*. Having once discovered this as a "law" of history, he has no further difficulty in mounting his judgment seat, from which he decides what is "right" and what is "wrong" in history.

To Prince Loewenstein, the real history of the Holy Roman Empire begins with Constantine. For in the hands of that Christian Emperor, the ideas of Empire and supra-national Christianity are truly merged. This is apparently the fulfillment of this "spirit of history," and the author

defends its shining shield to the last drop of ink. In the Middle Ages, the protagonists of the "Sacred Empire" are fighting for the salvation of mankind pure and simple. ("Frederick Barbarossa dismissed the idea of political gains because "it was the Holy Sepulchre and not the Throne of Constantinople which he had come to seek.") That the whole idea of persisting in the quest for far-flung empire while the house (Germany) was in flames might have been the most tragic "error" of all, does not seem to occur to the author. All are out of step but he.

The rise of Protestantism is severely condemned because it "inflicted serious damage on the continuity of human culture," but on the other hand, Frederick II (the Great) comes in for hardly any criticism at all. The ascendancy of Bismarck offers the author a new ray of hope. Though only *kleindeutsch*, Bismarck carried on the imperial tradition, and since all such efforts are "right," the "editing" of the dispatch of Ems was no forgery but merely an act bringing out its "true meaning" (although one page later the author admits that Bismarck skilfully played up the insult offered to the old king). To our knowledge of more recent events in Germany, the author has little to add.

Unfortunately, the whole book is marked by an unattractive form of intolerance. Disagreement becomes "error" or "heresy," writers holding different views are "pseudo-scholars," "semi-educated," and "driftwood intellectuals." While the author rarely takes the trouble of disproving opposing views by concrete arguments, he is not at all backward in making imperious assertions. Thus the Reformation is a "protest against history," and the non-acceptance of scholasticism brought forth totalitarianism, racism, and such diverse children as national socialism, liberalism, agnosticism, and left-wing socialism. It seems as if scholarly tools had been used for less scholarly ends.

And what does the author propose for the future of Germany? A new *Reich* in the Ghibelline tradition, based on right, justice, and other generalities, headed by a vaguely conceived philosopher-king who ascends the throne through adoption (by his predecessor) and who as guarantor of all that is righteous and good rules in the metaphysical fog of the Teutonic forest.

ROBERT G. NEUMANN.

University of California (Los Angeles).

The Last Days of Hitler. BY H. R. TREVOR-ROPER. Foreword by Marshal of the R.A.F., Lord Tedder. (New York: The Macmillan Company. 1947. Pp. xiv, 254. \$3.00.)

This book is among the most important that have been published on the Hitler dictatorship. Beyond being an outstanding contribution to contemporary history, it will, if as widely studied as it deserves, revolu-

tionize our thinking on the Nazi state and make obsolete whole libraries of scientific claptrap written on the subject. Teachers of comparative government, provided they are conscientious, will have to revise much of their class material.

The author, a British Intelligence officer during the war and in civilian life a promising Oxford historian, was commissioned by the British Army in September, 1945, to establish the facts concerning Hitler's death, obviously in order to destroy the seeds of the assumption of Hitler's survival which, in view of the German mentality, easily might become a myth. For this purpose, independently of the testimony at Nuremberg (frequently of doubtful value anyway), he interrogated or otherwise investigated some forty persons who participated in the fantastic life in the bunker of the Berlin Reich Chancellery where Hitler and those he used as manipulators of the war apparatus spent the last months of the régime from February to the end of April, 1945. The objective result, namely, that Hitler and Eva Braun killed themselves in the afternoon of May 1, 1945, and that their corpses were burned immediately thereafter—observed by a number of persons, by some of them accidentally—is beyond doubt established, and could have been by any persons with access to the witnesses.

What gives the book, however, its significance far beyond the narrow assignment is the background against which it is projected, and the manner in which it is executed. The actual death of Hitler is treated in only the last of seven masterly chapters and, in view of the political implications, a somewhat anti-climactic one in which the nature of the leading personalities of the Hitler régime is reconstructed with a psychological insight and historical consciousness revealing the author as an historian and political scientist of exceptional qualities, with no need for the pretentious introduction by an air marshal who is neither. The Hitler government is properly characterized as a court before which the classic descriptions of oriental despotisms pale. After the generals' plot of July 20, 1944—correctly interpreted as a Junker undertaking without the slightest traces of that "democratic" revolt which some recent books seek to discover in it—headquarters were converted "from a war cabinet to an oriental court of flatterers and toadies" (p. 30). What is even more important, the system of government was far from being totalitarian in the sense that a single will controlled all manifestations of the state machinery. In the epilogue, with its searching analysis of dictatorial government, it is convincingly demonstrated (p. 233) that "though dictatorship is sometimes described as efficient, and under certain conditions may be efficient, real dictatorship is by definition unconditional and inherently inefficient. Irresponsible power, without elaborate institutions, cannot be centrally exercised, even by a mortal god."

By far transcending its immediate purpose, the book contains interpretative evaluations of the leading personalities of the régime which necessarily will change many of our stereotyped opinions. This applies most of all to Hitler himself. He was insane in the period under survey, and may have been insane, by medical standards, long before, if not from the beginning of his career. But the author, in one of the under-statements in which he excels, says of him that he conceived himself as a great man, "in which he was surely not mistaken; for it is absurd to suggest that one who made such a stir in the world was of ordinary stature" (p. 231). Hitler's counterpart, though unfortunately not his counterweight, was Albert Speer, minister of armament and war production, who in spite, or because, of his fascination by the evil genius of Hitler realized at an early date the doom of the régime and, with some success, tried to stem the wave of senseless destruction which the nihilists in the party and Hitler himself planned as the fitting accompaniment of the *Goetterdaemmerung*. Those who have read Speer's statement on his experiences will share the author's judgment that the "technocrat" was the ablest and, within the limits of the climate of the régime, the relatively most decent, of Hitler's collaborators. Equally convincing are the portraits of Goebbels, the only intellectual among the mass of incredibly stupid and silly men in Hitler's entourage—a man whom an inclement fate prevented from devoting his exceptional abilities to a more worthy cause. Likewise the romantic school-girl Eva Braun reveals for the first time her modest though sympathetic personality. It is to the author's credit that a number of persons whose names are unknown outside of Germany, and even inside, are given their proper places in the drama, such as Schellenberg, Ohlendorf, and others. On the other hand, the interpretations of other "minor" figures, such as Himmler and Bormann, may not yet be final. It testifies to the scientific method of the author that he resisted the temptation to point up the picture of Goering because the latter, not present during the crucial period in the bunker, was outside the circumference of the assignment. One may disagree with the author's acceptance of Rauschning's analysis. Nihilism may have been more the result of the defeat than the inner spring of aggression and conquest.

In the epilogue, two questions are raised, emerging from the account of "the life in a monkey house": "first, how did such monkeys succeed in seizing and retaining power, and secondly, how did they nearly succeed in winning the war?" The first is answered by a superb dissertation on the nature of dictatorial power, which, by destroying institutions to obtain such power, kills political intelligence, and incidentally technical progress. The answer to the second question is surprising. The Nazis did not nearly win the war, but German industry and the German army did. The fact that the Nazis were in control of these instrumentalities may after all

prove to have been a blessing in disguise. If this is true—the issue may seem controversial—it is much less important to prevent the emergence of a “*legende Hitlerienne*”—which will come anyway, though the author once and for all has destroyed the myth of Hitler’s survival in the flesh—than to prevent the German organizational and war-making genius from ever falling into “legitimate” hands. Such is the important message of this remarkable book, which, quite aside from its brilliant style and the at times epigrammatic conciseness of formulation, will, as can easily be predicted, be discussed, disputed, and disparaged for a long time to come.

KARL LOEWENSTEIN.

Amherst College.

Germany—Bridge or Battleground? BY JAMES P. WARBURG. (New York: Harcourt, Brace and Company. 1947. Pp. xii, 386. \$3.50.)

The Solution of the German Problem. BY WILHELM RÖPKE. (New York: G. P. Putnam’s Sons. 1947. Pp. xvi, 282. \$3.00.)

The two volumes here under review were completed before the Council of Foreign Ministers met in Moscow last March. Since then the tempo of developments in Europe generally and in Germany in particular has been such that both works are already partially out of date. Nevertheless, they still contain much which is relevant to an understanding of the German problem.

The most valuable feature of Warburg’s *Germany—Bridge or Battleground?* are the fifteen appendices which comprise one-third of the book. Here one finds not only such standard materials as JCS 1067, the Yalta Declaration, and the Potsdam Agreement, but also excerpts from the Welles and Morgenthau plans, together with a number of memoranda which the author himself prepared, either as Director for Propaganda Policy of the OWI or after his visit to the four zones of Germany in June–July, 1946. The first three parts of the book are historical and trace the sequence of events from January, 1943, to the end of 1946. Mr. Warburg incorporates into the account his own criticisms, which, on the whole, are well founded.

His criticisms of British-American acquiescence at Potsdam in the Oder-Neisse frontier were made before the publication of Secretary Byrnes’ book, *Speaking Frankly*. Byrnes shows that the Western Allies were confronted with a *fait accompli*, in that the areas east of the Oder-Neisse line had already been transferred to Polish administration by the Russians. In the opinion of the reviewer, the real mistake on the Eastern frontiers was made, not at Potsdam, but in the Allied Control Council on November 20, 1945. At that time, it was agreed to transfer three and one-half million Germans from Poland and to complete the transfer by

August 1, 1946. If, as the Poles said at Potsdam, there were only one and one-half million Germans left, why should not this figure have been accepted by the Allied Control Council? It would have been still better if Britain and the United States had stipulated that these one and one-half million Germans should come from the territories farthest east, such as East Prussia, Danzig, and Upper Silesia, so as not to prejudice peace conference determination of the western boundary. Now it is difficult to reply to Molotov's argument that, if the Oder-Neisse is not to be the definitive frontier, why did Britain and the United States agree to the transfer of all the Germans east of that line?

Warburg rightly points out that another mistake on the eastern frontiers was made by Secretary Byrnes in his Stuttgart speech of September 6, 1946. Warburg's memorandum to the State Department prior to the speech had called attention to the danger of allowing the Russians to initiate the question of the revision of the Oder-Neisse line and thus reap the credit from the Germans. The Soviet-sponsored Socialist Unity party had already more than once plainly hinted that Russia would agree to such a revision if the Germans behaved properly. Warburg, therefore, recommended that the United States should raise the issue in the Council of Foreign Ministers and, if possible, make it a joint American-Soviet proposal. Byrnes chose not to do this, but instead made a unilateral appeal to the Germans, a precedent which Molotov had already established in his widely publicized statement of July 10, 1946. Byrnes does not tell us why he selected Stuttgart instead of the CFM as the place for launching his trial balloon. Had he wanted to make it difficult, if not impossible, for the Soviet Union to accept any frontier revision, he could scarcely have chosen a better method. Nothing would have been lost and much might have been gained if the matter had first been broached in the CFM.

The fourth part of Warburg's book is an analysis of German history and institutions—good as far as it goes, but entirely too sketchy. The concluding part is well worth reading because of its objectivity and good sense. The author argues convincingly that Germany must not come under the control of either East or West, but rather must be a bridge between them. Its rôle should be much the same as that which Beñes hopes Czechoslovakia will be allowed to play. The yardsticks to be applied to any concrete proposal on Germany can all be summed up in the question, "Does it tend to make Germany a bridge or a battleground?" Under such a criterion, Western Federated Germany, partition, Allied appeals to Germans against each other, etc., are all to be condemned.

Dr. Röpke is a professor of economics whom the Nazis forced out of his position at the University of Marburg in 1933 and who is now on the faculty of the Graduate Institute of International Studies at Geneva. His book, *The Solution of the German Problem*, is divided into three parts.

The first examines the characteristics of Nazism and the relative responsibilities of the outside world and of the Germans for the Hitler régime. Röpke finds plenty of blame for Germans and non-Germans alike. On the other hand, he denies the collective responsibility of Germans for what took place "because guilt is always personal" (p. 85). Yet at the same time he emphasizes the "remarkable and fatal separation of individual and collective morality which distinguishes the German from other nations" (p. 133). Since the Nazis always claimed to be acting for *das Volk*, how then, the reader may ask, can guilt ever be personal?

The second part of the volume is an examination of the German national character and of the "pathology" of German history. This covers ground which has often been traversed before, but is nevertheless interesting and written with considerable insight. Instead of going back to the Teutonic Knights, Röpke concentrates on the nineteenth century, when the two main currents, German and Prussian, were merged under that *bête noire*, Bismarck. "In 1866 Germany ceased to exist, after a life of nearly a thousand years, and her place was taken by what can only be called a Greater Prussia. It was this Greater Prussia that in the spring of 1945 came to a frightful end, an end that corresponded to its violent origin and character" (p. 153).

The concluding part of the work is least satisfactory because it is too dogmatic. Röpke believes that a free market economy must be restored in Germany; with von Hayek, he holds that any other course is "the road to serfdom." One need hold no brief for socialism to point out that the choice between collectivism and free private enterprise is not one of simple alternatives, especially amid the ruins of Germany. In order to keep Russian collectivism out of the West, Röpke argues that the West German states should organize a federation with the capital at Frankfurt. The Western Allies would then conclude peace treaties, not with the federation but with each of the states. Unfortunately, the author ignores two things. In the first place, his proposal would play directly into the hands of the French, who would be only too glad to have the treaty-making power divided between the individual German states. Secondly, it would immensely strengthen the pretensions of the Soviet Union as the "true" defender of German unity. Judged by the Warburg yardsticks, the Röpke recipes would make of Germany not a bridge but a battleground between East and West.

ROGER H. WELLS.

Bryn Mawr College.

Tito's Imperial Communism. BY R. H. MARKHAM (Chapel Hill: University of North Carolina Press. 1947. Pp. x, 292. \$4.00.)

This anti-Tito book is written by a former "missionary educator" in Bulgaria. The author speaks Serbo-Croatian and Bulgarian, and knows

the Balkans as few outsiders do. His book is an apology for Mihailovich and his Chetniks. In it the author justifies the Chetnik tactics, their passive resistance, and even their collaboration with the Quislings and the Axis. He minimizes the Partisan war-time successes and accuses them of misinforming the Allies of the true state of affairs in Yugoslavia. The author apparently accepted Mihailovich's propaganda line that Serbs and Chetniks are synonymous. He also leaves the impression that in Serbia proper, in contrast to the Serbs "across the river," the Communist movement was weak. Yet the facts are that the Communists began their resistance in Belgrade and Shumadiya first and that their expulsion from Serbia came only as a result of the combined Chetnik-Axis offensive.

The author states that "masses of Serbs were killed . . . by Axis agents and by Partisans" (p. 81). Here he should have included also the Chetniks, for the Yugoslav civil war was essentially a war among the Serbs themselves. The book leaves an impression that Allied air-force operations against Yugoslav targets were carried out at Tito's request and that they were directed solely against the Serbs. Some air support had been given Tito's ground forces in later phases of the war, but it was not directed against the Serbs, although the Chetniks often fought side by side with the enemy. The bombing of Belgrade on Easter Sunday, 1944, resulted from the failure of the PWB and the air forces to coördinate their efforts. To complicate matters further, the airmen, unable to observe the target, unloaded their bombs on the Belgrade workers' quarters.

The author criticizes Tito's régime for having incorporated a number of former collaborators. Is he certain that they were honest collaborators? An honest Christian, Mr. Markham shows revulsion against Tito's violent measures, overlooking the violence of Mihailovich. A dispassionate study reveals that both leaders engaged in terror, with the single difference that whereas Tito used the bullet, Mihailovich, adhering to the Balkan tradition, employed the butcher-knife. The author speaks of Mihailovich's rescue of American flyers, but does not mention that a far larger number were saved by the Partisans. The author says that the Chetnik Major Djurich "flopped to Tito's side" because Mihailovich "was about to discipline [him] for allegedly serving the occupier." He has apparently not read Djurich's testimony in the presence of an American colonel, in which Djurich explained in detail the nature of Mihailovich's collaboration.

In Mr. Markham's opinion, the two leading churches—the Roman Catholic and the Orthodox—"are mounting" in power and prestige. He thinks that there will be "an increase in popular loyalty to organized religion." If the Soviet Union can serve as an example, his prediction is only wishful thinking. According to the author, the Chetniks "stressed the Yugoslav ideal," but this was only after the St. Sava Congress of

February, 1944, long after Tito became the champion of the Yugoslav cause.

Mr. Markham devotes an entire chapter to Bulgaria and criticizes other Communist governments in the Balkans and the Soviet Union. He condemns the British policy regarding Yugoslavia. He says: the British were "exceedingly inept in supplying Mihailovich with suitable explosive material" and yet "kept pressing the Serbs to blow up bridges" (p. 102). Colonel S. W. Bailey, the British liaison officer with Mihailovich, is accused of "lecturing Mihailovich, ordering him around, accusing him of bad faith, cowardice, false reporting, and inefficiency" (p. 102). Winston Churchill "entered ardently into this contest with Stalin for the soul of Tito" (p. 156), and London "attempted to weaken the Serbian national spirit, to deprive Serbs of faith in their traditional patriotism, and to fill them with confusion" (p. 158). Here the author simply accepted the Chetnik anti-British propaganda *in toto*. An objective observer would have found that British policy was never anti-Serb, although it was anti-Chetnik. The British investigations showed that both the Mihailovich and Tito movements were essentially Serb in composition.

These are but a few of the many points in the book with which this reviewer disagrees. Although well written and with deep Christian conviction, the book is hardly more than an emotional tirade against Tito.

WAYNE VUCINICH.

Stanford University.

A Concise History of the Law of Nations. By ARTHUR NUSSBAUM. (New York: The Macmillan Company. 1947. Pp. xi, 361. \$4.50.)

The history of international law is not a field which has been overworked. Really significant studies in the area, particularly in the English language, are notably few and far between. Wheaton's *History of the Law of Nations in Europe and America since the Peace of Westphalia* was written more than one hundred years ago. Walker's *History of the Law of Nations* appeared in 1899, but covered only the period prior to the Peace of Westphalia. And Butler and Maccoby's *Development of International Law*, published in 1928, though valuable, has been criticized both for its organization and for its neglect of the doctrinal side of the story. Therefore any new effort to recount in English the evolution of the law of nations would probably have been welcomed. When, however, the product is a book of the high quality and eminent readability of that given us by Professor Nussbaum, there is cause for downright gratification.

The author has sought to trace the main lines of development of international law from the time of the earliest known treaty (3100 B.C.) to the beginning of World War II. There are separate chapters on Antiquity, the

Middle Ages, and on each century from the sixteenth through the first four decades of the twentieth. Nussbaum conceives the history of international law as comprising both actual political history and also the evolution of doctrine. Hence the several chapters include, first, a summary of the main political events and state practices regarded as having actually contributed to the development of international law, and, second, an analysis of the writings of the outstanding thinkers on international law of the period. In connection with the latter, an attempt is made to pay attention "not only to the teachings and lives of the great thinkers in international law, but also to their fame or oblivion as important factors of historical evaluation" (p. 4). Yet withal Nussbaum purports to write only a *concise* history limited to less than three hundred pages of actual text. Accomplishment of such an undertaking quite naturally involves considerable exercise of value judgments and selection of materials. The author is, indeed, the first to recognize this, along with the further fact that others may well differ with his opinions, omissions, or inclusions. To concede this, however, is not in the least to depreciate the book as a most convenient and useful summary for the expert, and for the student and layman a stimulating and quite adequate account of a branch of legal history about which altogether too little is generally known. The book is, it bears repeating, a readable one; a more exhaustive treatise very probably might not have been.

Nussbaum analyzes and evaluates the data pertinent to the history of international law from the viewpoint of an enlightened yet healthfully skeptical positivist. He is, for example, fully capable of tracing the development and admitting the oblique influences upon practice of the just-war concept in Western doctrine, and indeed of appreciating the possible significance for present-day relations of the fact that such a concept never became a part of the Byzantine tradition which influences the Russian approach to international matters (pp. 44, 291), without at the same time reaching unwarranted conclusions concerning the acceptance of such doctrine in actual positive law. He outlines the manifold developments in international organization and "international legislation" which made the late nineteenth and early twentieth centuries "a period of tremendous progress"—one "during which advancements were made, as it were, in geometric progression" (p. 238). Yet he frankly asserts that in it all there has been a deal of "inanity and ostentation," and "an unusual amount of futility and mere 'show.' Multilateral treaties, for instance, are probably the foremost vehicles of advance in the field; but very many of them are ineffectual because of the paucity or insignificance of their signatories or for other reasons. There may be some justification for the fact that the test of real potency is given little weight in analytical and textbook treatment of international conventions, though it is puzzling how lightly the

question of the number and weight of ratifications is frequently taken in discussions of treaties. The historian certainly cannot be content with the fact that the legal existence of a certain treaty is attested to by some documents of ratification. Moreover, in the appraisal of the present era he has to be on guard against the deflecting influence of ideologies and hope. There will be few, for instance, who do not respect and admire the spirit and resolve of those men who founded the League of Nations. Still, it would be bad history to veil, under the impact of these sentiments, the fact that the League has completely failed in its major goals. And to undertake a prediction on the evolution of the United Nations would certainly be premature" (p. 3).

This is refreshing after a period which began with finding merit in any compromise with wisdom or principle so long as it was conceived in the "spirit of Geneva," and ended with purported discoveries of existing law in the religio-moralistic generalizations of early writers who were more theologians than jurists, in the resolutions of unofficial gatherings of well-meaning theorists, and in the literary flourishes of preambles to unratified treaties. It is reassuring to have a recounting of the history of international law undertaken by one who assays its content by such standards.

Occasional minor mistakes (as, for example, the dates of the American Confederation (p. 249) are unavoidable. One can less readily pass over such a patently incorrect statement as the one that when the United States announced its policy of non-recognition at the time of the Japanese invasion of Manchuria, it "was not joined by other powers in a parallel declaration, much less in concerted action" (p. 251). Yet, such errors rarely mar the volume. A more serious defect, in this reviewer's opinion, is the placing of the footnotes at the end of the volume. Reference to them and to the valuable bibliographical information which they contain is certainly thereby made more difficult for those interested, whereas the disinterested would in all probability not have been annoyed had they appeared in the usual place.

An appendix containing a five-page survey of the "Historiography of International Law" and an index complete this worthy contribution to the literature of its subject.

VALENTINE JOBST III.

University of Illinois.

Voting Procedures in International Political Organizations. BY WELLINGTON KOO, JR. (New York: Columbia University Press. 1947. Pp. 348. \$4.00.)

The reader may be somewhat puzzled by the above title, since the author discusses non-political as well as political organizations; the purpose of the book is better explained at p. 20, where he says that he is trying

to see how far procedures at the extreme political end of the scale differ from those at the extreme non-political end.

The thesis of the book, stated in various places, may be quoted from pp. v-vi of the foreword, where it is stated that the formal provisions of voting are nothing more than the mechanics of decision-making, "framed in such a way as to reflect the differing degrees of responsibility of the powers which will have actually to carry out the decisions of the organization." Behind this lies another thesis, also reiterated at various points, of which I quote the statement on p. 124, that coercive action against a major power "can only be effectively sought through direct military pressure upon the offending party, in which case the function of the organization as an international body to maintain peace and security will have broken down anyway." At p. 116, the author seems to dissociate himself from those "who think that peace and reason ought to predominate in international relations." This so-called "realistic theory" negates collective security, but the point cannot be argued here and was not needed to establish the thesis with regard to voting power. The book is more than a technical study of voting procedures; Dr. Koo has put into it fundamental issues of current political philosophy. It is also a very thorough study, well documented, of voting procedure in U.N. organs and in the earlier specialized agencies. The details of the battle over the veto at San Francisco are given to an extent found nowhere else, including the discussions of the Big Five in the penthouse of the Hotel Fairmont, which have never been made public.

At the end of a discussion of specialized agencies, in Chapter II, the author observes that the voting procedure follows "the functional principle of allocating privilege in proportion to responsibility"; and this principle he traces from the Congress of Vienna through the various organs of the U.N. today. As a result of this line of thinking—which I believe factually correct—he concludes that "constant resort to formal voting [in the Security Council] with its emphasis on victorious majorities and defeated minorities is contrary to the best interests of the organization" (p. 290).

Many statements in this book could be debated at length, but there can be no doubt that it is a good job, useful and indeed very important to any student of international organization. It obviously represents a great deal of work, and it gives evidence of thorough study and competent scholarship. It may be added that Dr. Koo's participation in the work of the Chinese delegation at San Francisco adds to his understanding and to the authority with which he speaks.

CLYDE EAGLETON.

New York University.

The Cultural Approach; Another Way in International Relations. BY RUTH EMILY McMURRY AND MUNA LEE. (Chapel Hill: University of North Carolina Press. 1947. Pp. x, 266. \$3.50.)

This book is an excellent outline guide for government officers, publicists, editors, educators, special workers for international peace, and the general reader. It is a most useful introduction to the field of cultural and political information and propaganda supplied by governments to foreign countries. It treats only of official bilateral programs, temporary or permanent, not of multilateral enterprises like UNESCO for the dissemination of culture. The ten governments considered are those of France, Germany, Britain, United States, Russia, Japan, Argentina, Brazil, Chile, and Mexico.

The authors trace the rise and development of official propaganda activities and agencies since 1900, particularly since World War I, showing that those activities have become indispensable instruments of foreign policy. The activities were developed sometimes, as in the notable case of France, from private agencies, and by various departments of the operating governments; naturally the offices of foreign affairs are usually dominant. The subsidizing or establishment of schools, the exchange of students, and of professors and other higher specialists, the organization of information bureaus, institutes, libraries, and other centers, the distribution of publications, including materials for radio and screen, and finally, in recent years, the appointment of cultural attachés of one type or another in embassies and legations, are carefully noted as contributory to the general advancement of foreign policy. It is revealing and rather frightening to see the extent to which these activities have developed on competitive basis, and how heavily they have been and are being financed from national treasuries. The programs have ranged all the way from the dissemination of knowledge concerning art, music, poetry, science, history, health, politics, geography, etc., to the direct propagation of these and other subjects, usually political, designed to discredit by comparison, and to replace the culture of the receiving country as a prelude to armed invasion. The chapter on the development of information activities established by the United States as late as 1938 is particularly vivid and helpful.

The documentation and footnotes are excellent. There is a specialized description of war information bureaus in allied and neutral countries during World War II.

One of the most useful features of the book is the treatment of propaganda activities since 1945, with emphasis on the fact that while UNESCO and other general agencies will grow in strength, the bilateral activities will certainly continue even better organized than before, whether for

"intellectual expansion" or for bald political propaganda. Liberated peoples wish an endless supply of the former and none of the latter. Since wars do begin in the minds of men, it is necessary that bilateral activities in state-directed propaganda of any type be gradually replaced by coöperative, general, impartial agencies which will have the confidence of men and nations, and which therefore will contribute quietly but richly to international understanding and peace.

BESSIE C. RANDOLPH.

Hollins College.

The Right to Fly; A Study in Air Power. BY JOHN C. COOPER. (New York: Henry Holt and Company. 1947. Pp. x, 380. \$5.00.)

This is an extremely valuable and unusually timely book on the development of air power regulation and the right to fly. It traces the enactment of regulatory measures and the beginning of the control of air power by world organization. The basic elements of air power, according to Mr. Cooper, are the control of air space and the capacity to fly. The recent world conflict confirmed the decision made at the Paris Conference in 1919 that every state has complete all-exclusive sovereignty over the air spaces above its territory. In so far as the capacity to fly is concerned, it is the opinion of the author that there are three main problems that must be determined at the present time. The first is what shall be the future air power of Germany and Japan; second, the regulation and restriction of armaments; and third, the establishment of international control to regulate air transport.

With respect to Germany and Japan, Mr. Cooper holds that aviation should be de-militarized, but that provision should be made to provide air transport during the years of readjustment. While the problem of disarmament is in the hands of the Security Council and the Atomic Energy Commission, Mr. Cooper contends that either all aircraft, both military and civil, must be subject to the proposed armament regulations, (a nearly impossible arrangement) or there must be clearer differentiation between civil and military types of aircraft. Due to the tremendous growth of air commerce, the establishment of some international control becomes more pressing each day. The Chicago Conference of 1944, instead of being a failure, was, in the eyes of Mr. Cooper, a great success. To make international control really workable today, he recommends, among other things, that world transport be dealt with by one cohesive international agency, and that nations have the right to develop their own air transport, although some impartial tribunal must exist to determine the legitimacy of these objectives when challenged. He also recommends, however, that, in general, civil air transport control be not allowed to

interfere with a nation's capacity to fly, and he considers that the internationalization of operations between nations is unnecessary.

Because of the lack of assurance that the world will not have both military and civil conflicts, and because of the possibility that world organization may fail, the author includes three chapters in which he analyzes the air power of the Soviet Union, the United Kingdom, and the United States. These chapters are particularly valuable for all persons interested in the basic air strength of the three nations. The geography, the climate, the natural resources, the manufacturing industries, the attitude of the different governments, and the capacity and interest of citizens are described and compared; and twelve global charts are used to good advantage.

Fully documented and written in a style that is matter of fact and yet forceful, the volume grips the attention of the reader. Because of his research in the field and his long association with air lines, Mr. Cooper does not hesitate to state his convictions and to make recommendations; and this makes his study a genuine contribution in the field of air power.

ROBERT S. RANKIN.

Duke University.

America's Future in the Pacific. BY JOHN CARTER VINCENT AND OTHERS.
(New Brunswick, N. J.: Rutgers University Press. 1947. Pp. xiii, 247. \$3.00.)

This book contains the lectures delivered at the Second Quadrennial Institute held under the auspices of the Mayling Soong Foundation at Wellesley College in October, 1946. Thirteen papers by twelve individuals on a broad subject are not likely to result in anything like a systematic treatise, and we do not have that in this volume. These lectures by highly qualified specialists do, however, present much of interest, and the inevitable dispersion, and sometimes also duplication, detracts in only a minor degree from the value of the symposium for students of American foreign policy and Eastern Asia.

In the opening lecture, John Carter Vincent, who at the time of the Institute was director of the Office of Far Eastern Affairs in the Department of State, sets forth the main objectives of American Far Eastern policies as being "(1) to provide for the security of the United States and the maintenance of international peace, and (2) to bring about in the relations between ourselves and other states mutually beneficial commercial and cultural exchanges which will promote international welfare and understanding." The United States is seeking to achieve the first of these two interdependent objectives by the demilitarization of Japan and the neutralization of the territories of Japan and Korea so that they will not

constitute a threat to this country or to any other; the stabilization of China in order that that country may cease to be a disturbing influence in the Far East; and a mutual defense agreement with the Philippines. In realizing the second objective, the United States faces the problem of "bringing self-government to Korea, of democratizing Japan, of trying to induce China to settle its internal difficulties by peaceful methods through the formation of a broadly based democratic government, and of encouraging agreements for the development of self-government in South-east Asia." Few will quarrel with this statement of main objectives, although some will disagree with the minor ones or with the means employed for seeking to attain them.

Several of the lectures deal, in whole or in part, with the problem of dependent peoples. Raymond Kennedy discusses "American Interest in the Social and Political Future of the Pacific Peoples"; Felix M. Keesing, "American Territories in the Pacific"; Rupert Emerson, "American Policy Toward Dependent Areas" and "National Movements in South-east Asia"; and Ralph J. Bunche, "Trusteeship and Accountability: The International Approach to the International Problem." There runs through some of these lectures a spirit of American self-satisfaction. Kennedy begins on that note, but reverses himself before he ends. The American national charter has "as its essence the three ideals of freedom, democracy, and mobility," contends Kennedy, but these ideals are not being fostered by our policies in the East, due chiefly to the fact that "our social and political interests are being impeded by economic and military considerations." Apparently we are being frustrated in realizing our ideals because we do not possess them. "Indeed," he concludes, "we probably have stronger prejudices on race than the imperialistic nations themselves." In his two excellent lectures, Emerson brings freshness and objectivity to the discussion. He does not claim a monopoly of virtue for American colonial policy, nor does he think that the problem which confronts us in South-East Asia is simple. On the contrary, he warns that the problem is "shot through with complexities, incalculables, and uncertainties."

Security problems in the Pacific are discussed by Grayson L. Kirk and Sir Carl Berendsen, the New Zealand minister to the United States. Kirk is of the opinion that the security of the United States in the Pacific, as elsewhere, "will be achieved more by political means than by military might," and he fears "that there is grave danger that the United States may make policy decisions of a technical military character without adequately considering the long-range political problems involved." Sir Carl is convinced that peace can be attained only by a universal system of sanctions against an aggressor, but that this must be accompanied by an endeavor to achieve greater economic justice among nations and an improvement of international morality.

Space permits only a bare mention of the excellent lectures by C. F. Remer on "The American Interest in the Economic Future of the Pacific"; by Youngjeung Kim on "Korean Independence: A Soviet-American Problem"; by A. A. Berle, Jr. on "The Formulation and Implementation of American Foreign Policy"; by David Nelson Rowe on "The Interest of Britain in Pacific Security"; and by Vera Micheles Dean on "Russia as a Factor in the Security of the Pacific."

AMRY VANDENBOSCH.

Northwestern University.

World Economic Problems. BY C. ADDISON HICKMAN AND ASSOCIATES
(New York: Pitman Publishing Corporation. 1947. Pp. ix, 400. \$3.00.)

The need for inter-disciplinary coöperation in the social sciences is now widely appreciated, and this volume is an excellent example of successful coöperative effort. It is penetrating, carefully integrated, and well-written throughout. Professor Hickman and his ten associates have made a lucid analysis of the basic problems now blocking progress toward a working world economy and a stable international society.

Under the heading "Roads to Chaos," this study's first section analyzes such disrupting factors as cultural lag, ethnocentrism, a continuing tendency toward extreme political and economic nationalism, perversion of technology to autarchic ends, and the impact of divergent population trends. The historical approach of these chapters reminds us forcibly that the roots of the problems are not of recent origin. It is their maturation in our generation that has brought us to "The Impasse," analyzed thoroughly in the second section of the volume. Here are treated such current problems as the breakdown of international trade and commercial policy, distorted trade in minerals and other basic raw materials, cartels, cyclical unemployment, and population pressure.

The major contribution of this excellent study is to underline the all-important fact that the international economic warfare of the thirties, while its immediate *raison d'être* may have lain in cyclical unemployment, had its fundamental origin in the climactic development of such long-term problems as ethnocentrism, extreme nationalism, and cultural lag. Such disruptive factors have, perhaps paradoxically, flourished side by side with the amazing recent technological advances in transport and communications which have made a genuine world economy possible. These regressive forces have paralleled the striving toward world organization.

The concluding section of *World Economic Problems* traces the growth and functioning of world political, economic, and social organizations. These chapters demonstrate how World War II has strengthened both the forces working for world orientation and the impediments to effective

global organization. Our first steps toward a world society cannot survive a postwar heritage of intensified ethnocentrism and extreme concepts of absolute national sovereignty.

It is now apparent that the world is well on the way to resuming a "spheres of influence" policy in the political field and "nationalistic controls" in the economic field. This reviewer shares the conviction of Professor Hickman and his associates that to continue on such a regressive path is to make further grinding poverty and global war an "absolute certainty" (p. 365).

HAROLD W. DAVEY.

New York University.

Elements of Democratic Government. By J. A. CORRY. (New York: Oxford University Press. 1947. Pp. viii, 507. \$3.75.)

The purpose of this book, as stated in the author's preface, is to provide for the introductory course in government a text which will "combine some comparison of the structure and working of government in the United States, Britain, and Canada with an elementary analysis of the problem of government under present-day democratic conditions," the latter meaning especially the great expansion of governmental functions. The first two chapters present a very good discussion of "Forms of Government" (essentially democracy *versus* dictatorship) and "Constitutions and the Separation of Powers." The third chapter, on "The Expansion of Government Activities," is excellent. Succeeding chapters on the executive and legislative branches present a judicious balance between theory and practice.

The discussion of political parties is marred by over-emphasis upon the virtues of the two-party system and lack of analysis of multi-party politics as found in European democracies. The latter, indeed, are dismissed with the statement that "it is not at all clear that democratic government will work permanently where there are numerous parties of roughly equal strength" (p. 138). In the absence of any suggestions for possible change to the bi-party system, this identification of democracy with Anglo-American practice has the effect of abandoning any real hope for democracy on the continent of Europe.

Many political scientists will take exception also to the discussion of proportional representation, which is made to bear far too much blame for the vicissitudes of European democracies. Germany is singled out to provide an example of its evil consequences, while its more successful applications elsewhere are completely ignored. Functional representation, too, is less than adequately presented; stress is laid upon its divisive tendencies, while traditional forms of party and pressure group organization are insufficiently criticized.

The chapter on pressure groups is good, but rather more descriptive than analytical. The discussion of public opinion rests on too narrow a definition ("A public opinion is one that determines or influences, or may be expected to influence, what government does"); further, the book contains no discussion whatever of the problem of propaganda. Two excellent chapters on "The Civil Service" and "The Administrative Process" are, in this reviewer's opinion, more than offset by the inexplicable omission of the entire subject of international relations.

It is unfortunate that Mr. Corry's excellent descriptions of the fundamentals of British and Canadian government are not matched by his generalizations concerning the United States. It is inaccurate and misleading to say that the framers of the United States Constitution believed in "a wide range of individual liberty" (p. 13). The importance of the separation of powers in the United States is somewhat exaggerated; inadequate attention is given to the many effective devices of coöperation between President and Congress.

Some of the generalizations on federalism are dogmatic and show rather too much preference for the *status quo*. Thus the author says that proposed regional areas of government "could not begin to respond to the unique aspects of life in a particular region as fully as do the present state governments" (p. 427). Any such conclusion seems decidedly premature.

The concluding chapter on "Democracy and Dictatorship" contains an incisive summary of trends in democratic government. The author's style is excellent—clear, concise, and sparingly enlivened with touches of dry humor. Mr. Corry has made a valuable addition to the list of texts for the introductory course. The instructor's appraisal of the book will depend upon the type of course that he is actually offering under the label of the introductory course. Reference to the criteria outlined by Francis O. Wilcox in his article on "The Introductory Course in Government" in this REVIEW for June, 1947, leads to the conclusion that Mr. Corry has omitted rather too much from what is intended as a text to introduce the beginning student to the complex world of the political scientist.

CARLTON C. RODEE.

University of Southern California.

The Political Theory of the Huguenots of the Dispersion. BY GUY HOWARD DODGE. (New York: Columbia University Press. 1947. Pp. ix, 273. \$3.50.)

Dr. Dodge has written a thorough, systematic, and scholarly account of the evolution and significance of the ideas of Pierre Jurieu and of their relationship to those of other theorists of the Dispersion, especially Pierre Bayle. His conclusions may be summarized briefly. First, he feels that his study confirms Figgis's statement, which he quotes, that "reluctantly and

in spite of themselves, religious societies were led by practical necessity to employ upon their own behalf doctrines which are now the common heritage of the Western World." He concludes, secondly, that the extreme points of view which hold, respectively, that the state alone and that the individual alone profited from the rise of Protestantism are in fact extreme, and that the truth lies between. He concludes, thirdly, that, while Calvinists used the doctrine of popular sovereignty only as a support for the idea of rule by the elect, and while Jurieu himself never went so far in developing doctrines of consent as his contemporary Locke, nevertheless they did make a contribution to democratic doctrine. He demonstrates, fourthly, that Jurieu, as well as some of his fellows, advocated an expedient toleration on grounds not unlike those advanced earlier by the *Politiques*. He shows, fifthly, that the doctrine of freedom of thought and conscience was generally defended by Calvinists, Bayle apart, only within the limits of defense of religious belief itself, and that a wider free thinking was opposed on the very ground that Christianity was itself endangered thereby. He shows, sixthly, that for all their dominant theological concern, Jurieu and his fellow pamphleteers in the Calvinist camp were unwittingly influenced by rationalism and by natural law doctrine, and so moved toward a more secular view of the universe and of politics despite themselves.

These and other lesser theses are important conclusions of a careful and well-tempered study. The author views the evidence with perspective and without animus. His work is therefore a correction of preceding views, and takes many of the issues out of the controversial realm. Nevertheless, there are other conclusions to his detailed and precisely documented presentation of the evidence itself which he does not fully draw. As one reads his study of the twistings and windings of argument in the relations of Calvinists to the French monarchy, to Jansenists, and to Jesuits, as well as, when in exile in Holland, to political issues there, in England, and on the Continent generally, one is profoundly struck by the degree to which positions taken represent opportunism and adaptation of general ideas to particular circumstances on a judgment of their probable tactical and strategic effectiveness. Much of this study reads, indeed, not unlike a monograph on some phase of modern diplomatic history. In the main, one is impressed more by the lack of clear political principle or of great philosophical thinking, in Jurieu and in his co-religionists, than by its presence. Certainly Dr. Dodge could have emphasized even further his correct thesis, that the salvation and protection of essential doctrines of Calvinism was the only fundamental consideration. Pure political principle there was none; and if the dominant trend of Huguenot thinking aided democracy, individual rights, constitutional government, the development of

secular thought, and the spread of toleration, it did all these things largely by accident, through the chance of circumstances and the judgments of leading controversialists as to what would probably lead to the success of their own theological cause.

Secondly, one may note that at times Jurieu himself was not adverse to doctrines of submission to royal authority; while Bayle, much broader and more principled in his defense of free thinking, which, as Jurieu saw, led to, if it was not founded on indifferentism, could support and argue the desirability of royal absolutism on the ground that demonstration of loyalty and of lack of rebellious temper was the surest way to religious freedom, a position which Jurieu found it later, and generally, necessary to attack. Yet in this field at least, unlike the field of intellectual freedom, Bayle was also arguing a particular tactic as the expedient means to success. It is clear that, despite the general Calvinist conviction of the value of rule by judges or by an elect, rather than by monarchy, and despite the association of Calvinism with monarchomachic thought, Calvinists could quite happily accept and support absolute or divine-right monarchy provided it would refrain from attacking them. Indeed, the failure of this particular strategy during the period documented by Dr. Dodge seems in large part to have been due to the complicating problems of Jansenists and Jesuits in French politics. These groups likewise, and indeed the Catholic thinkers of the period rather generally, were not as coherent and dogmatic in political doctrine as is sometimes assumed, but followed similar paths of expedient argument, and switching of nominal principle, in the realm of statecraft.

Perhaps the real conclusion that emerges from this excellent study is that the religious conscience, quite intelligibly, played politics during the period as a game not important on its own terms, in which any political theory could be used, and any government supported, provided the cause of the particular religion were furthered and defended thereby. Controversies between co-religionists turned mainly on judgments of what would in fact succeed best. In some respects, indeed, the changing Calvinist arguments are curiously suggestive of changes during this generation in the Communist party line. Similarly, the fundamental adherence of Calvinists and Communists to the basic dogmas of their very different faiths constitutes a striking parallel, itself profoundly illuminating as to the immediate consequences of ardent and intolerant conviction. It suggests, too, that, for better or worse, that secular faith which today properly causes such great concern may, despite itself, lead in directions not intended by its adherents and controversialists.

THOMAS I. COOK.

University of Washington.

Studies in the Literary Backgrounds of English Radicalism; With Special Reference to the French Revolution. BY M. RAY ADAMS. (Lancaster, Pennsylvania: Franklin and Marshall College Studies. 1947. Pp. vi, 311. \$3.75.)

This is in many respects a curious work whose precise *raison d'être* is far from clear. The author himself insists that he is not concerned with an analysis of political ideas, nor yet with technical literary criticism. His purpose is apparently to study the lives of various English radicals during the time of the French Revolution and immediately thereafter, and to reveal thereby the strength and richness of English left-wing thought of the period, as well as its evolution from a first fine and frantic frenzy to a moderate and soberly critical evaluation of the British scene. He wishes, too, to show the movement of ideas from initial high optimism at the time of the Revolution to a despairing defiance or accommodation as reaction became increasingly severe. He is concerned in the main with minor and neglected thinkers from the political romanticists, of whom he treats Joel Barlow, Mary Hays, Mrs. Mary Robinson, Robert Lovell, and George Burnett, to the Whig liberals, whom he represents, somewhat inadequately, by Mackintosh, the author of the celebrated *Vindiciae Gallicae*, to the dissenters, from whom he selects Joseph Fawcett, to a much milder group of radicals or liberals, amongst whom he deems George Dyer and Samuel Parr most worthy of treatment.

Now, to reveal the variety and extent of the English radical movement of the period is itself a worthy undertaking. It is also worth while to redress common misconceptions, as the author does in the case of Joel Barlow, whom he shows to be something more than a patriotic and dubiously inspired American poet. Nevertheless, while the book contains much interesting information both on the lives and on the ideas of those discussed, it does not do anything more than give us some reasonably well-organized information. It contains biographical data. It contains names of works. It contains statements of some of their contents. It contains numerous quotations, little-known, and often quite effective. Yet, no doubt consonantly with its avowed avoidances, we in no case get any clear impression of the significance, the adequacy, or the novelty (if novelty there were) in the ideas of those discussed. Perhaps this may itself be taken to constitute a contribution by its revelation of the influence of the really great leaders of the movement, not here discussed, and of the degree to which the lesser lights imitated and emulated them.

We do indeed encounter some interesting and courageous thinkers and fighters for freedom or for Utopia. Yet the author's pedestrian and unexciting style does not make them live. Indeed, my ultimate criticism is that, for all his correct and sober classification and characterization, his

work has to it a dull monotony which makes the movement from person to person hardly noticeable. These writers and fighters for great causes were almost by definition unusual people in their time. They expressed and created a foment, and several of them were looked at askance by the powers that then were. Some of them, too, held views on conventional morality or religion shocking to the average respectable mind in our day not less than in their own. Yet they all appear in a drab uniformity which renders their dissents uninteresting, their characters beyond praise or blame, their personalities unintriguing, and the ideas for which they stood neither suggestive nor important.

THOMAS I. COOK.

University of Washington.

Freedom and Order. BY EDWARD HEIMANN. (New York: Charles Scribner's Sons. 1947. Pp. xiv, 344. \$3.00.)

Those acquainted with Edward Heimann's *Communism, Fascism, or Democracy* (1938) will welcome his new book. Although the author centers his discussion on freedom and order, he analyzes the basic conflicts that divide the Western world in the religious, ethical, political, and economic realms of life. Mr. Heimann's thesis is that freedom cannot be attained without order; that if men must choose between the two, they will take order; that the only hope eventually of reconciling freedom with order is through the principle of justice as enunciated by the Christian religion.

Mr. Heimann argues that, given the complex nature of our civilization, it is a most difficult task to maintain the proper balance between freedom and order. Modern democracy, he says, is in danger of violating the equilibrium that must be secured between the two. Democracy is defeated by excessive liberty: the *laissez faire* society with its unregulated private property leads to depression, mass unemployment, and the totalitarian state. The orthodox school of economics, whether Liberal or Marxian, cannot by the nature of their assumption, hope to cope with democracy's dilemma. Nor can the Keynesian reformers really grapple with it. The orthodox school of Adam Smith and Mill, which assumed that social harmony would result if each man were free to follow his own interest, has been discredited once and for all by the history of the past two decades. The Marxian school is willing to sacrifice freedom to order, to impose order by dictatorship, until men can be trusted with freedom—which is no solution. The Keynesians, in spite of their valuable contribution, are nevertheless technicians; the conflict between liberty and order cannot be solved by improved economic techniques. The solution must be sought at a far deeper level, at the foundation of our beliefs.

Freedom and order can be reconciled only by the higher principle of justice found in Christianity. The Christian view, furthermore, reminds

man of his frailty and counsels humility, and this is a check on the temptation to dictatorship.

Freedom and Order is a forthright challenge to the complacency that characterizes so much of our social science and common opinion. There can be no doubt that the liberal outlook has over-emphasized reason and the intrinsic goodness of man. But it may be doubted that the conflict between freedom and order can be reconciled through Christianity. It would seem that, given the trend of modern thought, a solution is more likely to be found through ordering our social and economic relations so that the reasonable expectations of men, both material and spiritual, can be realized.

It is the reviewer's opinion that Mr. Heimann somewhat idealizes the achievements of the Soviet Union, as in his discussion of the right to work (p. 200). Nor is it clear that he considers communism a threat to democracy, although it would seem that Stalin's totalitarianism is the great menace today, not fascism. There are other interpretations and a number of assertions with which readers will take issue.

The foregoing comment, however, cannot do justice to the richness of this book. Mr. Heimann presents a searching analysis of fascism, communism, democracy, and the present position of the social scientist. His work also includes a short history of the state, and an economic program for democracy. His comparison of Calvinism and Lutheranism is an outstanding performance.

If the reader will persevere through what at times may be called a "Germanic" style—the use of abstract nouns without specifying their definite meaning—he will be amply rewarded. For Mr. Heimann's work is characterized by insight and a wide background of knowledge.

BENJAMIN E. LIPPINCOTT.

University of Minnesota.

Critics and Crusaders. BY CHARLES A. MADISON. (New York: Henry Holt and Company. 1947. Pp. xii, 572. \$3.50.)

This is a series of studies, some of them already published in periodicals, of six groups of American intellectual rebels. Beginning with the abolitionists (Garrison, John Brown, Wendell Phillips), the list includes Utopians, anarchists, "dissident economists" (Henry George, Brooks Adams, and Veblen), "militant liberals" (Altgeld, Steffens, Randolph Bourne), and concludes with the socialists De Leon, Debs, and John Reed. The author makes no claim to original research, and his bibliographies do not go beyond the familiar important works of his subjects, but his sketches of the latter's lives and thought are informing, forcefully written, and interesting. Chapters on Benjamin Tucker, Altgeld, and Brooks Adams are especially good.

The book is in no sense a definitive study of the period nor of any group or individual in the period. It is rather a book of appreciations, and, in general, the more "radical" the individual, the more appreciative the author. Mr. Madison claims to be writing about "critics and crusaders who are most responsible for the extension of our social and economic freedom" (p. ix). But the criterion of selection seems to have been the nobility of purpose and the intransigence of attitude of the individuals selected rather than their effectiveness for social reform, although Mr. Madison claims more influence for some of the number than most historians would acknowledge. Practical politicians who were also critics and crusaders, like Bryan, La Follette, and Wilson, are omitted. Lester Ward and John Dewey, whose significance as critics and writers of "seminal books" was at least as great as that of Margaret Fuller, Emma Goldman, Randolph Bourne, or John Reed, are omitted—possibly because they did not come in triads.

The combination of Mr. Madison's fervor and looseness of expression too often leads to questionable generalizations and judgments. The reader is told, for example, that the Supreme Court rejected Dred Scott's appeal "on the ground that the black man had no rights which the white man was bound to respect" (p. 10); that the Bellamy Nationalist Clubs "appeared within reach of their goal" in the early 1890's (p. 92); that Henry George "was largely responsible for the rise of socialism in England" (p. 271); that Thoreau demonstrated "the feasibility of the anarchistic way of life" (p. 532); that "before the 1930's men of wealth were firmly in the saddle" and that suddenly in 1933 the government was transferred to a body of men "who knew that the *laissez faire* policy had become completely anachronistic" (pp. 534-5). Such opinions undoubtedly enliven the book, but they do not enhance one's confidence in the author's objectivity or good judgment.

JOHN D. LEWIS.

Oberlin College.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

Many teachers of the course in political parties will welcome a new edition of the standard text by Peter H. Odegard and E. Allen Helms, *American Politics: A Study in Political Dynamics* (Harper's, 1947, pp. xiii, 896). Except for two chapters, the organization of the book has not been changed in any important respect; the same chapters appear in the same order, and with approximately the same number of pages. The election records and political platforms in the appendix differ only in having been brought up to date. While the basic character of the party system

has not changed fundamentally since 1938 when the first edition appeared, war and reconstruction have produced changed political and economic conditions and have caused a shift in emphasis if not in the issues themselves. The nature of these changes is clearly stated by the authors in their preface: "Important new laws such as the Hatch Act and the Legislative Reorganization Act have been enacted; campaigns for the repeal of the poll tax and for the creation of a permanent Fair Employment Practices Commission have been conducted; organized labor has extended its membership and has adopted new techniques of political action through the creation of a Political Action Committee; the Supreme Court has handed down new decisions on the rights of suffrage and has reinterpreted labor legislation; the political attitudes of business men and farmers have been influenced by wartime prosperity and postwar inflationary trends. As a consequence, political battles are being waged today in somewhat different settings." Discussion of these matters at appropriate places in the text mark the major points of difference in this edition, as compared with the original. The readable style and the wealth of illustrative material which characterized the first edition continue to be evident in this one. The principal criticism of the revision lies in the fact that little effort has been made to revise either the illustrative material or the footnotes, to include in the one case material regarding recent political events and personalities, and in the other, reference to many significant books and articles that have been published since 1938. The process of revision might also have afforded opportunity for correcting a number of errors, carried over from the old edition to the new. In spite of these more or less minor defects, the book as a whole is good, and will no doubt continue to be widely used.—W. BROOKE GRAVES.

When "the first American to make forestry his profession" (p. 30) returned home after his European training, "not a single acre of government, state, or private timberland was under systematic forest management anywhere on the most widely timbered of all continents." In fact, "when the 'gay nineties' began, the common word for our forests was 'inexhaustible.' To waste timber was a virtue and not a crime" (p. 27). Thus in his posthumously published *Breaking New Ground* (Harcourt, Brace and Co., 1947, pp. xvii, 522, \$5.00), Gifford Pinchot gives the theme of his fascinating autobiographical account of the introduction and development of forest farming, both private and public, the struggle for forest management, and the building of the groundwork for general conservation, especially from 1885 when his father asked him how he would like to be a forester to 1910 when his mother gave vent to a loud "hurrah" when he was "fired" from the Forest Service. It is a book of the fighting pioneer battling for the heritage of future generations. The author no-

where discounts either the importance of his own rôle in the forestry and conservation movements or the contributions and obstructions of others. Of Theodore Roosevelt, who co-captained the program at its height, he says that "his service to the nation was colossal" (p. 328). The great value of this volume arises from the fact that it is based largely upon the author's diary and his personal recollections; for it is completely without documentation and almost barren of direct quotation. It is history written by a participating eye-witness, professedly skeptical of documents, on a "take it or leave it on my say-so" basis (p. xvii). While he adds very little to the already familiar story so extensively highlighted with picturesque personalities and sensational rivalries, with Cleveland, Roosevelt, Taft, Pinchot, and Ballinger among the featured public actors, he contributes a volume that will afford pleasurable reading to many and a stimulating inspiration for those who still have a lightable spark for vigorous pioneering in the countless areas that invite constructive leadership and action in the new world emerging from the ruins of the Global War.—ARNOLD J. LIEN.

Although the new edition of Richard W. Van Alstyne's *American Diplomacy in Action* (Stanford University Press, 1947, pp. xvi, 836, \$5.00) is advertised as "completely revised," the changes in the original text are relatively minor. A new chapter on the United Nations has, however, been added, and three chapters dealing with contemporary diplomatic issues have been lengthened to cover events down to early 1946. The case-study approach is a refreshing departure from the conventional treatment, and is well adapted to the teaching of the history of American foreign relations as "a course of action." The book is divided into three parts of unequal length and value, based on the underlying concepts of security, expansion, and neutrality. Dr. Van Alstyne holds that neutrality, as well as expansion, "must now be regarded as extinct." Since he identifies both concepts with the age of nationalism, the query inevitably arises whether he believes that this age is at an end. Security, which remains as the central factor in American foreign policy, "is conditioned by the position of the United States in the family of nations," and "has been subject to ceaseless change." The section on security occupies more than half of the book, and is prefaced by an introduction of forty-six pages which includes a penetrating analysis of the Monroe Doctrine. The 230 pages on the theme of collective security contain lengthy chapters on the diplomacy of World War I, the Paris Peace Conference and the League of Nations, U.S. policy toward China (1899-1943), security in the western Pacific, the diplomacy of World War II, and the United Nations. The new chapter on the United Nations lacks clarity and substance. In contrast, the case studies in the early history of American diplomacy are

concise and authoritative. A thirty-six page bibliography and an excellent index add to the value of this important work.—NORMAN D. PALMER.

Suggestive of future fruitful lines of inquiry is a recent publication of the Bureau for Research in Municipal Government of the Harvard Graduate School of Public Administration, *Federal and State Grants-in-Aid: Annotated Laws* (with special reference to Massachusetts as of January, 1947), prepared by Hans F. Abraham and Priscilla M. Greeley (Cambridge, Mass., 1947, pp. viii, 121). The study is intended for reference only and includes a compilation of legal extracts regarding national government payments to the states and Massachusetts payments to municipalities. Facilitating classification and comparison are uniform side-headings—citations, agencies, conditions, appropriations, basis for apportionment, administration, and supervision—for each functional group of extracts. It is important that users of these data heed the warning that the material should be merely a starting point for reports on grants-in-aid. Only Massachusetts laws are cited for state-local grants. Although presumably all major national-state grants are included, the compilers have had Massachusetts conditions in mind here also. In the case of airport aid, this has had a particularly unfortunate result—no mention is made of the provision over which there was so much debate, that aid might go directly to localities unless states stipulated otherwise. The compilation makes no pretense of being exhaustive extensively or intensively. For example, grants for Indian education and forest roads are not mentioned.—EDWARD W. WEIDNER.

The problem of the efficient management of natural resources in a single state is given attention in *Mississippi's Wealth* (Bureau of Public Administration, University of Mississippi, 1947, pp. x, 190), by Robert Baker Highsaw. The monograph is one of several planned by representatives of the Tennessee Valley Authority and the Universities of Alabama, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. Personnel and funds were supplied by the cooperating bodies, and a matching grant was made by the General Education Board. The study here noted is not an inventory of the natural resources of the state, but emphasizes "the legal sub-structure of resources management, and more especially the organization, operation, and interrelationships of the machinery created for the effectuation of the law." The conclusions reached by the study, all well documented, are that Mississippi has failed to develop an integrated system for the management of its physical resources; that too great reliance is placed upon the device of *ex officio* membership in state agencies; that the governor is without real directive or budgetary authority; that there is no body charged with the coordi-

nation of resources development and research; that no merit system has yet been adopted on the state level; and that the financing of the resources program from special funds imposes budgeting difficulties and interferes with the development of a state-wide program. The lack of system reflected by the existing piecemeal arrangements is but a reflection of the general state administrative structure. In the opinion of the author, the corrective measures indicated follow rather closely those adopted in the states which have reorganized their administrative machinery during the past generation.—LANE W. LANCASTER.

The Missouri Valley (Yale University Press, 1947, pp. ix, 274, \$3.75), by Rufus Terral, is an excellent piece of reporting, though some may differ with the author's conclusions. His thesis may be stated as follows: (1) the area drained by the Missouri river and its tributaries, long regarded as a desolate wasteland, was by-passed in our first settlement of the West; (2) later this region was over-estimated and over-settled for agricultural purposes; (3) both the climate and the people of the region have been given to extremes—flood and drought, heat and cold, optimism and pessimism, conservatism and radicalism; (4) the land and its resources have often been abused and wasted by cattle-men, farmers, railroads, electric utility companies, mining companies, and others; (5) despite the mistakes of the past, the area is one of entrancing possibilities for both agriculture and industry, through the development of hydroelectric power, irrigation, flood control, navigation, soil conservation, soil restoration, and chemurgy; (6) development of the resources of the region has been delayed by the rivalry between the Army engineers and the Reclamation Bureau, each having its own supporters among special interest groups; and (7) what is needed is one agency similar to TVA, but proposals for an MVA have been blocked thus far by the two rivals just mentioned, which, when confronted by the threat of a new agency, hurriedly effected a political compromise embodied in the Pick-Sloan Plan.—ROGER V. SHUMATE.

In these days of overcrowded classes and limited supplementary books in the field of American government, David Fellman's *Readings in American National Government* (Rinehart and Co., 1947, pp. vi, 300, \$2.00) will be the answer to many seeking convenient source materials for the one-semester course. The book is organized to follow the pattern of the traditional American government text and is composed of Supreme Court opinions, selections from the *Federalist*, articles by authorities, statutes, congressional committee reports, addresses, and governmental surveys and reports. This varied selection will be useful in introducing the student to the form and content of the record of the national government's

development and operation. Professor Fellman has made an excellent selection of illustrative cases, choosing statements of the law by the contemporary court that portray the development of fundamental principles. Many other selections, such as the Legislative Reorganization Act of 1946 and the National Security Act of 1947, are of recent origin and should stimulate the interest of the reader in the current national scene. The editor's brief but helpful explanatory notes at the beginning of each section adequately tie the materials to the theme of the phase of the federal system under consideration. The value of this compilation is, to a large extent, in its brevity, and consequently it has been impossible to include some materials that would have made significant additions. The section on Foreign Relations and National Defense seems especially meager and might profitably include more than the ten pages of materials illustrative of the rôle of the United States as a super-power.—CONLEY H. DILLON.

Despite an excellent foreword by Senator Joseph H. Ball, Harold Gauer's *How to Win in Politics* (Boston: Bruce Humphries, Inc., 1947, pp. 204, \$2.50) is a disappointment to serious students of practical politics. After debunking the traditional campaigns of Messrs. Creech, Meech, Skeeck, and others, he presents Floyd Skilch with modern selling campaign techniques. Gauer advocates expert advertising methods in preparing and distributing folders or booklets; real blotters that really blot; and good posters, if any, and brief radio (or spot) announcements. He suggests spectacular showmanship and emotional appeals in political rallies to force ideas on an indifferent public. He then cites a number of cheap publicity stunts—good ones, he thinks, because the candidates were elected. He believes in selling the candidate, but gives scant attention to making the voter *think* as suggested by Senator Ball. His final advice (p. 187) is to be as non-political as possible. He ignores the probable value of a long and useful business or professional career, as well as the house-to-house canvas and other good campaign techniques. The book is interesting, especially the cartoons; it has some valuable ideas; but it falls far short of being a good political handbook.—WILLIAM L. BRADSHAW.

The Indians of the Americas (W. W. Norton and Co., 1947, pp. 326, \$3.75), by John Collier, presents the full panorama of the Red Indian in America from the Paleolithic age to the present. It compares briefly the Indian records of Spain with those of the United States, recounting the fascinating stories of the Incas and the Aztecs and the atrocities of Cortes and Pizzaro as well as the struggles for justice by Bartolome de las Casas and others; it discusses the harsh treatment of the Indians by our government prior to 1933 and the part played by pressure groups in the for-

mulation of such policies; it praises the more generous, understanding, and promising policy now in effect, and yet it recognizes the problems involved in bringing into play flexible and democratic measures with bureaucratic agencies endeavoring to solve the problems at hand. Mr. Collier has not been satisfied simply to narrate once more the colorful events of Indian history. He analyzes the various cultural and social factors of these people and comes to the conclusion not only that they have definite potentialities in the democratic process of government, but that they may even have a vital message for us in democratic government both within our community and among national states. The work is primarily for the general reader. A selected bibliography is included.—H. C. COOK.

An encouraging development of recent years in the South has been the increasing availability of information concerning particular state and local governments. Many publications have come from the university bureaus of public administration, but some have been prepared by members of university faculties for a wider distribution. Among the latter is Paul W. Wager's *North Carolina; The State and Its Government* (Oxford Book Company, 1947, pp. iv, 124, \$0.67), which is designed to give citizens of North Carolina a simple and yet inclusive picture of the agencies and services which function in their state, its counties, and its municipalities. Written without citation of sources either in footnotes or appendices, the book accomplishes this broad purpose through factual summaries of governmental structures and of services and controls in the protection of life and property, business regulation, labor protection, public health and public welfare, public education, conservation, and economic development. If there is little information concerning the actual operation of the state's administrative bodies, this flows from Professor Wager's definition of purpose. Still to be written for North Carolina, as for many other states, is an over-all picture of government at work.—ROBERT B. HIGH-SAW.

FOREIGN GOVERNMENT AND POLITICS

Change and Crisis in European Government (Rinehart and Co., 1947, pp. x, 253, \$2.00), edited by James K. Pollock, is a welcome collection of papers, read at the annual meeting of the American Political Science Association in Cleveland, enforced by an additional chapter on Great Britain, and brought up to date to the late spring of 1947. On the whole, it provides a well-rounded and most useful picture of postwar (as well as some wartime) constitutional and political developments in Europe. Professor Karl Loewenstein presents a clear description of the forms, functions, and policies of military government in Germany, at various levels, both quadripartite and intrazonal, of the layers of German government offices in the various zones, and of developing party

life. Professor Pollock's chapter has to be read in the same breath, as it were. It is more explicit on the legal and political basis of the occupation and takes in important developments in the non-American zones and the British-American economic merger. Loewenstein considers the work of the Allied Control Council "impressive both in quantity and quality" (p. 31), but Pollock feels that most of its laws, decrees, and proclamations "deal with matters which are not too controversial," and that it "has been unable to come to a decision on many questions of great importance" (p. 48). Both authors agree, however, that it has been a good training school in international relations. Professor Erich Hula presents a summary and analysis of Austrian constitutional life. In his judgment, political life tends to be more healthy now than in Austria's first republic, ridden by the sectarian and regional character of its party politics. However, "it would be folly to shut our eyes to the grim potentialities" (p. 79), meaning *inter alia* Russia, which, of course, lurks in the background of most of the book's chapters. Professor R. K. Gooch leads the reader skillfully through the maze and subtleties of French constitutional change. He evaluates as well as records the attitudes of parties and leaders, for which the non-specialist reader is likely to be grateful. It is characteristic that this chapter and the one on Italy (Mario Einaudi) stress constitutional change, while the contributions on Great Britain (Lionel H. Laing) and the Netherlands (Samuel J. Eldersveld) are concerned primarily with recent political events on the old constitutional basis. The Scandinavian contribution (Roy V. Peel) contains mostly prewar (and very little wartime or postwar) material—which is valuable, but not in line with the character of the book. Because of Belgium's special achievements in the field of reconstruction, its omission from the volume is regretted. The chapter on the Soviet Union (John N. Hazard) is disappointing in that it is devoted largely to a meticulous enumeration and brief description of numerous constitutional amendments, with a minimum of interpretation or synthesis. The author describes, for instance, wartime changes in Soviet federalism in the field of foreign relations; but the reader cannot tell from this statement whether federalism in the Soviet Union is, or is not, as different from Western concepts as is the idea of "democracy." Considering Dr. Hazard's outstanding knowledge of the Soviet Union, political scientists are looking to him for more interpretation and judgment as to what lies behind the letter of the law, whether or not they might always agree with him. Andrew Gyorgy's discussion of the Danubian area happily combines details for the expert with a synthetic analysis for the non-Balkan specialist. He makes these régimes come to life through his refusal to limit himself to constitutional phraseology and by his analysis of the everyday practices which shape the character of the countries and their relations to the rest of the world. An appendix to this valuable reference work contains a synopsis of three German state con-

stitutions and texts of the new constitutions of France and Yugoslavia. The annotated documentation is very helpful.—JOHN BROWN MASON.

Political scientists are generally agreed that the profession needs more translations of standard and classic works from the Spanish and the Portuguese. In any event, when Arizio de Viana's *Budget-Making in Brazil* (translated by Harvey Walker and issued by the Ohio State University Press, 1947, pp. xi, 105), came my way, I was delighted, particularly so because its original publication by the Administrative Department of the Public Service of Brazil gives it official status among works dealing with Brazilian governmental institutions. Dr. Walker was so impressed with developments in public administration in Brazil during his eighteen months' stay there with the United States Army that he concludes that "... the dictatorship (Vargas, 1930-1945) was really a progressive period in the development of sound administrative practices" (p. vii). Presumably, he includes budgetary administration within this generalization and specifically this essay on the budget. The monograph does offer the best source available in English on the Brazilian budget, and the data are organized under the following chapter headings: I, Types of Budget; II, Budgetary Principles Followed in Brazil; III, Classification of Expenditures; IV, Estimates of Receipts; V, Execution and Supervision of the Federal Budget; The Public Treasury and the Public Domain; VI, Control of the Budget; VII, the Theory of Extraordinary Budgets; and VIII, Parallel Budgets. There is an appendix showing classification of receipts and expenditures and other data. The one exasperating weakness of the book is De Viana's ponderous and occasionally obscure style. The following selections are representative of what one frequently finds: "The figure of the State is the reflection of a political régime. In the historical evolution of any nation there are currents of thought and external compulsions of universal character proceeding from doctrinaire principles and economic imperatives which are sustained by the conditions of equilibrium of international politics" (p. 26); "Budgetary principles, sustained by doctrine, identified with the facts and consolidated by usage, constitute the logical experimental bases of a system destined to define the structure and position of the budget in public administration" (p. 53); "If the express authorization of a quantitative limit to be used for the opening of supplementary credits and the statement of the items which can be supplemented do not appear in the budgetary law, the mention of a ten months' limit for the initiation of the supplementation is not necessary" (p. 21).—WILLIAM S. STOKES.

At a time when new labor legislation has put the topic of labor law to the fore of public interest, comparative studies in this field are particu-

larly timely. Frieda Wunderlich's *German Labor Courts* (University of North Carolina Press, 1946, pp. x, 252, \$3.50) provides the American reader with a clear and succinct survey of the German system of courts and procedures in industrial relations from the foundation of the Reich through the Weimar Republic to the Nazi period. Its main interest lies in its middle section, that dealing with the Weimar era, when German labor law reached a stage rarely attained elsewhere as to comprehensiveness of regulation and judicial protection. Besides an analysis of the major law on courts and procedures, the Labor Court Act of 1927, the volume contains extensive statistical material which should be useful to the student of this field. On the other hand, one would have welcomed more of a critical-sociological approach. In addition, the discussion of the *substantive* law concerning industrial relations—here whisked away into a brief appendix—might well have been integrated into the main part of the study; without it, the discussion of procedural law remains somewhat "in the air." In another edition of this useful volume, such integration would be very welcome, as would an additional chapter on the beginnings of a new labor law in present-day Germany, which might replace the now largely—and fortunately—out-of-date chapter on the Nazi era. The book contains an introductory chapter by Ernst Fraenkel on the general traits and the historical and sociological background of the German system of courts, civil procedures, and law of evidence. This reviewer has yet to come across a more incisive and revealing statement of the basic differences between the respective civil law and common law principles than is to be found in these admirable sixteen pages.—JOHN H. HERZ.

The Foundation for Foreign Affairs of Washington, in furtherance of an announced intention of publishing a series of studies of postwar constitutions, has not unnaturally begun with France. In *A Constitution for the Fourth Republic* (Foundation Pamphlet No. 2, 1947, pp. vi, 126, \$1.00), there is presented a discussion by an author who remains anonymous "for professional reasons," together with a collection of source materials. The latter are commendably abundant, constituting something more than a third of the pamphlet. Part I of the commentary, "The Draft Constitution," deals with the document rejected by the French voters in May, 1946. Part II, "The Final Phase," is concerned with the present constitution. The first part is three times as long as the second. Some disproportion of this kind is in the circumstances easily to be justified; but the extent of it seems somewhat excessive. All in all, the account is a valuable one. It will probably remain for some time the only one of its kind available. It is manifestly the result of industrious study. It displays basic knowledge of French constitutional history and of contemporary French politics. It is careful and fair. Though it contains a certain number

of lapses, both of form and of substance, it is, aside from the latter, eminently accurate.—R. K. GOOCH.

INTERNATIONAL LAW AND RELATIONS

That college courses and entire curricula are constantly being outmoded is a fact which is only too painfully obvious to any reasonably conscientious teacher. However, as Grayson L. Kirk points out in *The Study of International Relations in American Colleges and Universities* (Council on Foreign Relations, 1947, pp. x, 113, \$2.00), those professors whose job it is to teach international relations are particularly harassed, for they not only must keep an eye on the latest headlines, but they must also keep abreast of developments in all the other social sciences which may shed light on the complicated question of why nations behave as they do. It is little wonder, then, that teachers in this field often feel that they have undertaken an impossible task and ask themselves just how they should organize their courses in order to give students a broad grasp of international developments and avoid serving a mere *potpourri* of history, economics, geography, and political science. The present book attempts to answer these and a host of related questions. After canvassing the views of prominent university and college teachers at a series of six regional conferences held by the Council on Foreign Relations, Professor Kirk—himself a veteran teacher at Columbia and author of a well-known text on international relations—has arrived at a series of highly worth-while conclusions as to the proper scope of international relations and the method and approach best calculated to serve the varying needs of undergraduate and graduate students. His sketch of an ideal department of international relations is particularly noteworthy. As Professor Kirk visualizes it, such a department would consist, in addition to political scientists offering courses in international politics, law, and organization, of an economist, a political geographer, a military historian, and a specialist in social psychology. The ideal graduate study program which would be administered by this department is indicated by the specialties of the staff members. Under the proposed arrangement, students would also be provided with an opportunity to observe the actual conduct of international affairs by serving in some apprenticeship capacity for a period, and they would be encouraged to specialize in a particular area or topic. It is also of interest that Professor Kirk believes that ideally the graduate student in international relations should be required to learn French and Russian as his basic foreign languages. Since every college and university is necessarily guided by its own particular needs in establishing or revising its facilities for teaching international relations, Professor Kirk's specific proposals will probably never be adopted in toto. Nevertheless, his suggestions deserve careful study by those who are teaching in this field,

which despite its importance is still by and large imperfectly organized in both content and approach.—WINIFRED N. HADSEL.

With the publication in June and September, respectively, of Numbers 2 and 3, the World Peace Foundation rounds out a successful first year of full issues of its new quarterly, *International Organization*, the first number of which appeared in February, 1947 (June, 162 pages; September, 163 pages; \$1.25 per copy). An index number scheduled for November completed the first volume (annual subscription price, \$3.50). Each of the later numbers follows the pattern established in the first one, with articles by competent authorities on important aspects of international organizational developments, summaries of the activities of international organizations, documents on international organizations, and a selected bibliography. In the June issue, A. Loveday discusses the Economic and Social Council decision to constitute its advisory commissions from governmental representatives rather than from individuals; H. Belshaw writes on the Food and Agriculture Organization; and George De T. Glazebrook discusses The Middle Powers in the United Nations. In the September number, Patrick M. Malin discusses "The Refugee: A Problem for International Organization;" Walter R. Sharp presents the first installment of a progress report on the specialized agencies; and Edward S. Mason reviews the Moscow meeting of the Council of Foreign Ministers. In summarizing developments in international organization, the editors emphasize those United Nations organs, specialized agencies, regional organizations, and war and transitional organizations that have shown greatest activity in the period under review, with the result that there is some variation from issue to issue in the organizations treated. Inasmuch as different periods are covered in the summaries of the work of different organizations, the usefulness of these summaries would be conspicuously increased if the period covered could be indicated at the beginning of each, as is done in the case of the Security Council in the June and September issues. This reviewer would also like to see the fourth issue each year a full issue rather than an index number; it has been a long wait until February for a concise and accurate review of the many important international organizational developments of the late summer and fall.—RUTH C. LAWSON.

The appalling disaster threatened by atomic bomb warfare could be avoided by preventing war, or possibly by reducing vulnerability to atomic attack. That the two methods are not mutually exclusive is seen in the chance that the latter course, by lessening the opportunities for decisive military advantage, might discourage aggression and contribute to effective collective action for the control of atomic energy and the peace-

ful settlement of disputes. In *The Problem of Reducing Vulnerability to Atomic Bombs* (Princeton University Press, 1947, pp. xvi, 116, \$2.00), Ansley J. Coale addresses himself to the second course when he examines the question, "Are there practicable methods by which mankind can substantially reduce its vulnerability to atomic warfare?" Mr. Coale prepared his study under the direction of the Committee on Social and Economic Aspects of Atomic Energy, set up by the Social Science Research Council in 1946 "to plan and encourage research on problems of human relations associated with the utilization of atomic energy in peace or war." Instead of endeavoring to weigh every variation in the international scene which might influence plans for protection, Mr. Coale approaches the problem of reducing vulnerability from the standpoint of two extreme situations—one characterized by an effective international agreement prohibiting atomic weapons, and the other, by the absence of restraints. In the first situation, despite the presence of an effective international agreement, vulnerability reduction would be a problem because of the possibility that atomic bombs might be used at some future date; the safeguards taken could be generally applied, however, and by reducing vulnerability might complement agreement by discouraging attack. Although the programs in the two situations would differ somewhat, they would be directed toward the same broad objectives of preventing attack, insuring against the loss of a war if the attack occurred, and minimizing casualties and aiding reconstruction. Mr. Coale analyzes the problem of vulnerability reduction in each situation, raises a number of incisive questions, but, as was his intention, does not provide a program or final answers; rather, he clarifies some of the questions awaiting answer and suggests further research with respect to the techniques for the reduction of vulnerability. He warns that material assembled as the result of research and study may possibly show that no program of vulnerability-reduction has a high probability of success. Some of the problems attendant upon the formulation of a program for protection against atomic bombs may be of special interest to political scientists. There is the question of whether the social costs of a vulnerability-reduction program, in terms of the possible impairment of democratic values resulting from the imposition of controls which may be needed to obtain the use of bomb-resistant building construction, the construction of underground buildings, the dispersal of some war plants and of population, would exceed the resultant increase in the safety factor. Unscrupulous or misguided persons might attempt to subvert from public ends the strong leadership needed for the achievement of a vulnerability-reduction program, but the answer to this danger would lie in the maintenance of responsibility rather than in the benevolent leadership suggested by the author. The enormous costs of an extensive program would affect the cost of living. The relocation of certain

industrial plants would not only be an expensive process but, if the new locations were less advantageous from the standpoint of efficient, economical production, might contribute further to a lower standard of living and a reduced capacity for meeting program costs. Because of the danger that a single attack with atomic bombs on the nation's capital might destroy the President and his present legal successors, the members of Congress, and a substantial portion of the administrative organization for the conduct of the nation's war activities, it would be necessary to make advance arrangements for the extension of presidential succession to persons ordinarily outside of Washington, to provide for a successor to Congress, and for the reorganization of administration. With respect to the disruption of administrative organization, the question is not so much "to what degree are qualifications of skill, experience, working relations, and so on requisites of successful administration," but rather how quickly administrative forces could be regrouped and rebuilt and how effective they would be.—PAUL KELSO.

Edward Tomlinson's *Battle for the Hemisphere* (Charles Scribner's Sons, 1947, pp. viii, 250, \$3.50) is another journalist's attempt to warn us that the democratic institutions of Latin America "are threatened anew, this time from the left, as well as from the right" (p. 1). In Parts II and III (dealing with "Penetration from the Left" and "Repression from the Right," respectively), the author sets forth his collection of incidents, quotations, and impressions gathered on his beat "south of the border." They are presented in a manner calculated to convince one that it is later than one thinks. After showing how desperately and unremittingly the democratic leaders in Latin America must fight a precarious battle "to push back the splashing waves of totalitarianism that flow down upon them from both the left and the right" (p. 163), the author sets out to explain "The Status of Democracy" (Part IV) in Latin America. Here we find that down through the history of Latin America all totalitarianists are doomed to defeat because a Latin American "is a highly individualistic person" who "does not submit readily to discipline or regimentation" (p. 165). We are admonished that "we should not overlook the prevalence and persistence of democratic forms in the majority of the countries" (p. 174). It is difficult to reconcile the inevitability of the dangers so dramatically set forth in Parts II and III with the well established, impregnable democratic institutions described in Part IV. Has the author cried "Wolf," or has he misled his reader as to the strength of democratic institutions in that area? Part V ("United States Responsibility") is the most confusing of all. The interpretation of United States commitments and obligations is arresting. It may be epitomized by this quotation: "Nor should the United States sit supinely by and watch revolts, coun-

ter-revolts, and the infiltration of anti-democratic ideologies, without taking active interest in the matter. By active interest, I do not mean direct and meddlesome intervention" (p. 204). All through Part V the author rejects intervention, in the abstract, as something reprehensible; yet practically every measure he urges the United States to take is patently interventionist. As Cicero said to Casca early in the play: "Indeed it is a strange-disposed time; but men may construe things after their fashion, clean from the purpose of the things themselves."—WILLIAM M. GIBSON.

The extent to which the United Nations has been concerned with the Palestine problem is brought out clearly in *Palestine and the United Nations; Prelude to Solution* (Public Affairs Press, 1947, pp. vii, 269, \$2.75 paper, \$3.75 cloth), by Jacob Robinson. The author's account commences with the first indirect references to the problem in the San Francisco Conference and carries through the greater part of the work of the Special Committee on Palestine, created by the Special Session of the United Nations General Assembly in May, 1947. There is an interesting chapter on the developments in official British thinking which led to the presentation of the problem of Palestine by Great Britain to the United Nations. The bulk of the book, however, is devoted to a detailed discussion of developments in the Special Session which led to the establishment of UNSCOP and the determination of its terms of reference. This discussion is broken down roughly into a description of the procedural problems determined by the Special Session and of the substantive aspects of the Palestine question as they appeared in that session. In the first category, careful consideration is given to the problems which arose with respect to representation before the United Nations of the non-governmental Palestinian organizations of the Jewish Agency and the Arab Higher Committee; the composition of the Special Committee; and its terms of reference. In the second, the Arab and Jewish cases and the attitudes of various United Nations members, as these appeared in the Special Session, are recounted. Dr. Robinson's book is almost exclusively a factual record culled from the documents of the United Nations and presented in a form making the information considerably more accessible than in the documents themselves. Only rarely are his own sympathies as head of the Institute of Jewish Affairs of the American and World Jewish Congress discoverable in the use of a word or the turn of a phrase.—D. BEATRICE McCOWN.

The latest volume in the useful series sponsored by the World Peace Foundation, *Documents on American Foreign Policy, Vol. VII, July, 1944-June, 1945* (Princeton University Press, 1947, pp. xxxvii, 961,

\$6.00), edited by Leland M. Goodrich and Marie J. Carroll, clearly reflects the degree to which policy-makers had begun to lay plans in the last year of the Second World War to meet postwar problems. The work contains a very broad selection of documents thus far available for that year on all aspects of political, economic, and social affairs with which United States foreign policy was concerned, including, of course, matters related to the successful prosecution of the war. Introductory notes, in which the editors explain the setting for the documents, are well prepared. Especially valuable are the chapters dealing with the evolution of American occupation policy and the preparation for, work of, and actions subsequent to, the important international conferences establishing new international political and economic agencies. The editors have, however, relied on the use of *Charter of the United Nations, Commentary and Documents*, by Leland M. Goodrich and Edvard Hambro, published by the World Peace Foundation in 1946, as a supplementary work to their rather thin chapter on the Dumbarton Oaks Conference and the United Nations Conference on International Organization at San Francisco. In this respect, the current volume loses some of its continuity. While a fairly large number of policy statements by officials of the United States Government and a number of statements of other governments pertinent to United States policy are included, those portions of the election platforms and interesting statements of candidates of the major parties dealing with foreign policy are unfortunately omitted, and Congress is almost completely ignored. Nevertheless, the volume should prove a very welcome and useful teaching aid and reference work.—ALFRED P. FERNBACH.

A lucid and provocative analysis of American foreign policy is always welcome amid the current confusion, even if it adds little that is new. Such an analysis is contained in the three lectures delivered in January, 1947, at the Rice Institute by Wilbur W. White, then professor of political science and dean of the graduate school of Western Reserve University, under the title *The United States and World Peace* (Rice Institute Pamphlets, Vol. XXXIV, No. 2, April, 1947, pp. v, 89). After an examination of the then current international scene—how much has happened since January, 1947!—in which he points to the heritage of problems left by the war, the progress in finding solutions, and the difficulties characteristic of a world in which two inexperienced super-powers are dominant, Dean White makes some pertinent observations on United States-Soviet Union relations. He examines separately the Soviet's aspirations as a great power and its ideological objectives, and concludes that these do not appear to endanger at the moment either the vital interests or the national existence of the United States. He takes the somewhat optimistic view that a United States policy of firmness and patience in upholding principles and objec-

tives, while keeping the door open for agreement, may lead to settlement of outstanding difficulties over a period of time. The third lecture contains a brief summary of major aspects of American policy, with which Dean White, on the whole, agrees. He finds the core of our current problems in the "unreality of sovereignty in the traditional sense, and the imperative necessity for great-power agreement." Few will disagree with him.—
ALFRED P. FERNBACH.

There is persistent danger that our thinking on international affairs may be based too much on considerations of the moment and too little upon realistic analysis of the basic forces that so largely determine the shape of the political world. Beyond the welter of conflicting economic and social groups, competing national interests, ethnic rivalries, and embattled ideologies are such hard factors as geography, technology, and human resources. The League of Nations has greatly contributed to our knowledge of the latter by its series of four studies on the population outlook in Europe. These studies were completed in the last three years for the League by the Office of Population Research of Princeton University. The concluding volume of the series, *Europe's Population in the Interwar Years* (League of Nations Publication, 1946, II. A.8, pp. xii, 308, \$3.50 paper, \$4.00 cloth), presents for the first time in one volume a systematic picture of European population trends between the two World Wars. The author, Dudley Kirk, has cast his study in sweeping dimensions and has brought together widely scattered census data not only to indicate the changes in fertility, mortality, and migration, but has linked these factors with objective indices of education, ethnic diversity, economic advance, and health. The result is a lucid description of the shifting weight of population and related power in Europe. The book has over fifty maps and charts and a score of tables to illustrate a very readable text. The supporting data for the illustrative materials are found in the sizable appendix. This is certainly a volume which all students of international and European affairs will want readily available for reference.—
WILLIAM J. RONAN.

POLITICAL THEORY AND MISCELLANEOUS

The man to whom Disraeli referred as "the soul of English politics from 1640 to 1688" certainly deserved a full-length biography. In his *John Wildman, Plotter and Postmaster; A Study of the English Republican Movement in the Seventeenth Century* (Yale University Press, 1947, pp. 319, \$4.00), Mr. Maurice Ashley really gives us more than that, as is suggested by the sub-title. Wildman, however, is properly made the focus and unifying point of the narrative. Less conspicuous in the history of thought than Harrington or Milton, he was more important in practical

politics. He was one of the first, perhaps actually the first, to support democracy and republicanism simultaneously. As a constitution-writer comparable in his day to Siéyès in the next century, he produced the first written democratic constitution in the modern world, while as a controversialist he composed one of the most influential pieces of propaganda of the revolution of 1688 in his *Memorial of English Protestants*. For a generation, Wildman continued his activity as propagandist and plotter. He was imprisoned more than once and several times ran the risk of execution. But he was both a shrewd and a cautious conspirator who always managed to escape with his life. After the settlement of 1688, he was for a time postmaster-general, became a freeman and alderman of the City of London, and was knighted. Through all the vicissitudes of his life, too, he retained a successful touch in business which enabled him to acquire a fortune. It cannot be said that Mr. Ashley's colorless prose does justice to this interesting career, but he writes clearly enough.—T. P. PEARDON.

Conflicts of Power in Modern Culture (Harper's, 1947, pp. xx, 703, \$6.50), edited by Lyman Bryson, Louis Finkelstein, and R. M. MacIver, is a compilation of the sixty-two papers and comments thereon presented at the Seventh Symposium of the Conference on Science, Philosophy, and Religion held in Chicago on September 9, 10, 11, 1946. The papers represent the replies given by the participants, most of whom have academic affiliations, in response to two questions submitted to them in advance: "How can we retain the essential advantages of our civilization, including its scientific and material assets, and yet bring the quest for power and the tendency toward aggression under control? Can we reorient men's minds, through influencing their cultural environment from infancy, so that they will find fulfilment in achievement, rather than in the credit and recognition of achievement?" Despite the breadth of the problems discussed and the sixty-two points of view represented, certain common denominators can be seen. There was virtual agreement upon the existence of the power complex in Western culture, the desirability of mitigating and controlling social power, the difficulty of justifying a single teleology, and the growing importance of political power as a final arbiter of social power. Even the inability to arrive at a meeting of minds relative to the means which should be used to alter the standards of our culture so that ethics rather than ambition to power will dictate social ideals, indicates agreement, in a negative way, as to the impossibility of mankind's finding some quick way of narrowing the dangerous cultural lag between the means of destruction and the social institutions adequate to control them. It would be easy to criticize the results of the symposium for failing to find the "solution" implied in the two original questions. But, in view of the perplexing and seemingly endless problems discussed, had some "plan" evolved, one would be forced to conclude that the participants

were either charlatans or cultists. It would seem that the utility of such an effort as this—if utility there must be—lies in the integration of the various disciplines which develops as a by-product of having representatives of so many divergent fields of learning and experience focus attention upon such a fundamental aspect of cultural and social power. Perhaps from an effort like this can emerge a greater unity of understanding which may eventually contribute to some degree of rational causation in Western culture.—WALLACE BREWSTER.

In his *Russian Radicals Look to America: 1825-1894* (Harvard University Press, 1947, pp. xiv, 242, \$4.00), David Hecht deals competently with a subject that heretofore has received little attention. One notes with some surprise, therefore, that the non-Marxist forerunners of the Russian revolution showed a very keen interest in the political system of the United States and in the actualities of American life, and that to some of them they were a source of inspiration. Though their information was derived largely from written accounts and from contacts with travellers (only two of the six men discussed in the book—Bakunin and Chaikovski—actually had been in the United States), they knew a great deal about conditions in this country. Mr. Hecht, who carefully compares their observations and conclusions with authoritative American historical accounts, finds that their information was surprisingly accurate. He does not hesitate, however, to point out their misconceptions and exaggerations. Among the radical intellectuals under consideration, Alexander Herzen and Nicholas Ogarev regarded the United States as the most eminent democratic achievement. In the case of Nicholas Chernyshevski, admiration for everything American—except slavery—reached the point of near adulation. Even Michael Bakunin, the uncompromising anarchist, conceded that there was something to be said for political institutions such as prevailed in America. Peter Lavrov and Nicholas Chaikovski, however, gave voice to the disillusionment that set in as a result of the post-Civil War rise of industrial capitalism in America. They no longer regarded the United States as an example worthy of emulation by European radicals and socialists. In spite of some digressions into American history, which—though pertinent—are too extensive and detailed to coalesce readily with the rest of the material, the book is written interestingly and well. The numerous footnotes are more than a concession to academic pedantry.—HENRY JANZEN.

A valuable addition to the growing list of reprints in political theory has been made under the editorial direction of F. E. L. Priestley, assistant professor of English in University College, University of Toronto, with the republication of the full text of William Godwin's *Enquiry Concerning Political Justice* (University of Toronto Press, 1946, 3 volumes, pp. lvi,

436, 554, 346, \$12.50). These are three large and handsome volumes, beautifully printed and bound. The first two are a photographic facsimile of the third edition of *Political Justice*, which was Godwin's final revised edition, published in 1798. There has been no complete reprint of this edition since 1842. The third volume includes a learned essay by the editor, running to a bit over a hundred pages, on Godwin's moral, political, and economic philosophy, some two hundred pages of critical and textual notes, including careful comparisons between the three editions of this famous work, and finally a reprint of the chapters omitted from the third edition. The editorial work is of such high quality, and done with such painstaking care, that one is tempted to call this a definitive job of its type.—DAVID FELLMAN.

Members of the political science profession will welcome the appearance of a reprint of John C. Calhoun's *A Disquisition on Government* (New York: Political Science Classics, Box 124, Cathedral Station, 1947, pp. xii, 107, cloth, \$2.75, paper, \$2.00). Since the last printing of this great essay was run off some eighty years ago, it has been practically unobtainable in recent years, and a valuable service has been performed by making it available once more to ordinary book-buyers. The little book is printed in clear and readable type, and the editor, Naphtaly Levy, has added a brief note pointing up the essential theme of the *Disquisition* and giving a few of the main facts about the public career of Calhoun. The major criticism of the little book is, considering its brevity, that it is quite expensive. If the reprinting of political science classics in separate volumes is to serve a useful teaching purpose, they should be available for student purchase at very low cost, as in the case of the new Crofts Classics.—DAVID FELLMAN.

In their *The Psychology of Ego-Involvements: Social Attitudes and Identifications* (John Wiley and Sons, 1947, pp. 525, \$6.00), two psychologists, Muzafer Sherif, of the University of Ankara, and Hadley Cantril, of Princeton University, have presented a very valuable summary of the literature on the psychology of socialization. Political scientists will be especially interested in their discussion of leadership, formation of political attitudes, development of group loyalties including nationalism, status identification and the political hierarchy, training for citizenship, non-conformance to law, juvenile delinquency, and the effects of collective behavior upon the individual. Neither of the authors appears anxious to apply the analysis specifically to political concepts, but the implications are there. The authors discuss the ego in psychoanalysis, yet show themselves not to be followers of Freud. It is interesting to note that Sherif was brought to the United States on an exchange fellowship by the State Department.—HAROLD F. GOSNELL.

RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

MULFORD Q. SIBLEY

AND

MARJORIE H. SIBLEY

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books and Pamphlets

Allen, E. D., and Brownlee, O. H. Economics of public finance. Pp. 551. N. Y.: Prentice-Hall. 1947.

Billington, Ray Allen, and Others. The United States; American democracy in world perspective. Pp. 912. N. Y.: Rinehart. 1947.

Brookings Institution. Major problems of United States foreign policy, 1947; a study guide. Pp. 318. Washington: Brookings Inst. 1947.

Bryan, Florence H. Susan B. Anthony; champion of women's rights. Pp. 186. N. Y.: J. Messner. 1947.

Byrnes, James F. Speaking frankly. Pp. 336. N. Y.: Harper. 1947.

Caldwell, Robert G. Red Hannah; Delaware's whipping post. Pp. 144. Philadelphia; Univ. of Pa. Press. 1947.

Carlson, T. L., Carpenter, R. V., and Smith, J. H. Illinois government and institutions. Pp. 186. Boston: Allyn & Bacon. 1947.

Chafee, Zechariah, Jr. Government and mass communications; a report from the Commission on Freedom of the Press; 2v. Pp. 852. Chicago: Univ. of Chicago Press 1947.

Crane, Milton. ed. The Roosevelt era. Pp. 640. N. Y.: Boni and Gaer. 1947.

Doan, E. N. The La Follettes and the Wisconsin idea. Pp. 311. N. Y.: Rinehart. 1947.

Domke, Martin. The control of alien property. Pp. 334. N. Y.: Central Bk. Co., 261 Bway, N. Y., 1947.

Eddidin, Ben M. Jewish community life in America. No pag. N. Y.: Hebrew Pub. Co. 1947.

Ferguson, John H., and McHenry, Dean E. The American system of government. Pp. 980. N. Y.: McGraw-Hill. 1947.

Finer, Herman. American beauty. Pp. 185. N. Y.: Macmillan. 1947.

Flick, Oka S. Indiana; the state and its government. Pp. 192. Boston: Allyn & Bacon. 1947.

Garner, James W., and Capen, Louise Irving. Our government; its nature, structure, and functions. Pp. 624. N. Y.: Am. Book Co. 1947.

Gauer, Harold. How to win in politics. Pp. 204. Boston: Humphries. 1947.

Goodman, Abram V. American overture; Jewish rights in colonial times. Pp. 279. Philadelphia: Jewish Pub. Soc. 1947.

Harbison, F. H., and Dubin, Robert. Patterns of union management relations; United Automobile Workers (CIO), General Motors, Studebaker. Pp. 238. Chicago: Science Research Associates. 1947.

Harris, S. E. The national debt and the new economics. Pp. 305. N. Y.: McGraw-Hill. 1947.

Highsaw, Robert B. A handbook of elective offices in Mississippi. Pp. 54. University (Miss.): Miss. Univ. Press. 1947.

Hill, Lee H. Pattern for good labor relations. Pp. 233. N. Y.: McGraw-Hill. 1947.

McKnight, Olin E. Handbook on Arkansas government; rev. and rewritten. Pp. 104. Arkadelphia (Ark.): W. Hill Bookstore. 1947.

Millett, John D. The process and organization of government planning. Pp. 187. N. Y.: Columbia Univ. Press. 1947.

Morris, Lloyd R. Postscript to yesterday; America: the last fifty years. Pp. 501. N. Y.: Random. 1947.

Newcomer, Mabel. How our government raises and spends money; teaching American youth how local, state, and national governments finance their activities. Pp. 83. Washington: Nat. Assn. of Secondary-School Principals. 1947.

Nims, Harry D. The law of unfair competition and trade-marks, 4th ed. Pp. 1675. N. Y.: Baker, Voorhis. 1947.

Ray, J. M., and Worley, Lillian. Alabama's heritage. Pp. 186. Tuscaloosa: Univ. of Ala. 1947.

Schultz, T. W., and Others. Symposium on the public lands. Pp. 22. Albuquerque: Univ. of N. Mex. 1947.

Selekman, Ben M. Labor relations and human relations. Pp. 255. N. Y.: McGraw-Hill. 1947.

Shockey, Houston. Federal taxation for the lawyer; 2nd ed. Pp. 396. N. Y.: Prentice-Hall. 1947.

Stassen, Harold E. Where I stand! Pp. 213. Garden City: Doubleday. 1947.

Upson, Lent D. Letters on public administration. Pp. 95. Detroit: Nat. Training School for Pub. Service. 1945.

Wager, Paul W. North Carolina; the state and its government. Pp. 124. N. Y.: Oxford Book Co. 1947.

Warren, George, ed. The federal administrative procedure act and the administrative agencies. Pp. 638. N. Y.: N. Y. Univ. School of Law. 1947.

Watkins, Gordon S., ed. The motion picture industry. Pp. 250. Philadelphia: (Annals) Am. Acad. Pol. & Soc. Sci., Nov., 1947. Am. Acad. Pol. & Soc. Sci.

Articles

Administrative Law. The "official interpretation" of administrative regulations. *Helen Norem.* Ia. Law Rev. May, 1947.

Air. The adjudication of rights in air-space by judicial process. *J. A. Eubank.* Marquette Law Rev. Sept., 1947.

Army and Navy. Censorship and the soldier. *John Jamieson.* Pub. Opin. Quar. Fall, 1947.

———. Developments in the law of naval justice. *James Snedeker.* Notre Dame Lawyer. Nov., 1947.

Bar. The lawyer and the preservation of society. *Stephen J. Rueve.* Marquette Law Rev. Sept., 1947.

———. A plea for lawyer-schools. *Jerome Frank.* The law school of the future; from legal realism to policy science in the world community. *M. S. McDougal.* Yale Law Jour. Sept., 1947.

———. Certification—a proposal to the bar. *A. I. Kegan and L. G. Melchoir.* The law review and the law school; some reflections about legal education. *Harold Marsh, Jr.* Ill. Law Rev. Sept.-Oct., 1947.

———. On the teaching of law comparatively. *Ferdinand F. Stone.* Tulane Law Rev. Oct., 1947.

Budget. Budget classification and fiscal planning. *J. V. Burkhead.* Pub. Admin. Rev. Autumn, 1947.

Business. Functional discounts under the Robinson-Patman act. *Fred Bartenstein, Jr.* Wash. & Lee Law Rev. Spring, 1947.

———. A new phase of the anti-trust law. *R. W. Harbeson.* Mich. Law Rev. June, 1947.

———. Insurance under the commerce clause. *Ray Murphy.* Ia. Law Rev. Nov. 1947.

Church and State. Church and state in America. *Vincent F. Holden.* Cath. World Dec., 1947.

Civil Liberties. Exclusion, ejection, and segregation of theater patrons. *M. W. Turner* and *F. R. Kennedy.* Ia. Law Rev. May, 1947.

———. The open window and the open door [freedom of association]. *C. E. Wyzanski, Jr.* Calif. Law Rev. Sept., 1947.

———. The law of wire-tapping. *Margaret L. Rosenzweig.* Cornell Law Quar. Sept., 1947.

———. The equal rights amendment. *William S. Roach.* Conn. Bar Jour. Sept., 1947.

———. Hawaiian martial law in the supreme court. *J. Garner Anthony.* Yale Law Jour. Nov., 1947.

———. Group libel and the law. *Robert L. Weinberg.* Chicago Jewish Forum. Winter, 1947-48.

Congress. How bad is congress? *Jay H. Topkis.* Pol. Sci. Quar. Dec., 1947.

Education. Our underpaid college professors. *Noel O. Lewis.* Am. Mercury. Oct., 1947.

———. Education's new responsibility. *George N. Schuster.* High school—a hot spot. *Theodore D. Rice.* The broadening college base. *John D. Russell.* How shall we foot the bills? *Francis J. Brown* and *A. B. Bonds, Jr.* All our children. *Maxwell S. Stewart.* Teachers make the schools. *Harold R. Benjamin.* Education must save freedom. *Ernest O. Melby.* Survey Graphic. Nov., 1947.

Federalism. Coöperative federalism again; state and municipal legislation penalizing violation of existing and future federal requirements, part I. *Samuel Merwin.* Yale Law Jour. Nov., 1947.

Foreign Policy. U. S. aid to Turkey. *Winifred N. Hadsel.* For. Policy Rep. Oct. 1, 1947.

———. Hemisphere bases and American traditions. *H. O. L. and W. L. N., Jr.* Am. Perspective. Oct., 1947.

———. United States foreign policy and attitude. *Harold Butler* and *H. W. Butcher.* Commonwealth & Empire Rev. Oct., 1947.

———. American policy toward Germany. *James K. Pollock* and *Edward S. Mason.* For. Policy Rep. Nov. 1, 1947.

———. U. S. A.: power and world power. *S. K. Ratcliffe.* Contemp. Rev. Nov., 1947.

———. Keys to our German policy. *Robert A. Graham.* America. Nov. 1, 1947.

———. New strategy in foreign policy. *Robert I. Elson.* Fortune. Dec., 1947.

———. Why Europe doesn't trust us. *André Visson.* Am. Mercury. Dec., 1947.

———. Greece puts us to the test. *George Polk.* Harper's. Dec., 1947.

Governor's Veto. The governor's veto in Pennsylvania. *M. Nelson McGeary.* Am. Pol. Sci. Rev. Oct., 1947.

Health. The Chicago water diversion controversy, part III. *H. H. Naujoks.* Marquette Law Rev. May, 1947.

———. The place of nutrition in a public health program. *Wilson Jameson.* Am. Jour. of Pub. Health. Nov. 1947.

Judiciary. Judicial discretion in common law courts. *Richard B. Spindle*. Wash. & Lee Law Rev. Spring, 1947.

———. Jurisdiction based on residence or "Open the door, Richard!" *William Tapley*. St. John's Law Rev. Apr., 1947.

———. The inconvenient federal forum. *Robert Brancher*. Harvard Law Rev. July, 1947.

———. The Missouri plan for selection and tenure of judges. *Jacob M. Lashley*. Conn. Bar Jour. Sept., 1947.

———. The argument of an appeal. *R. S. Wilkins*. Cornell Law Quar. Sept., 1947.

———. Reappraisal of federal question jurisdiction. *G. M. Bergman*. Mich. Law Rev. Nov., 1947.

Labor. Do we need labor courts? *George Cahill*. Marquette Law Rev. May, 1947.

———. Some recent labor cases, 1941-1947. *R. L. Howard*. Mo. Law Rev. June 1947.

———. The United States labor-management relations act of 1947. *John E. Lawyer*. Int. Lab. Rev. Aug., 1947.

———. Government seizure in labor disputes. *Ludwig Teller*. Harvard Law Rev. Sept., 1947.

———. The limits of collective bargaining. *F. T. Carlton*. Am. Jour. of Econ. & Sociol. Oct., 1947.

———. One big union? *Herman Arthur*. Current Hist. Oct., 1947.

———. Will the Taft-Hartley law stop utility strikes? *Ivan Bowman*. A look at the new labor law. *R. C. Simpson*. Pub. Util. Nov. 6, 1947.

———. Union leaders and Taft-Hartley. *John B. Sheerin*. Cath. World. Nov., 1947.

———. Recent decisions of interest to labor. *Dept of Labor*. Mo. Lab. Rev. Nov., 1947.

———. Union unfair labor practices under the Taft-Hartley act. *James F. Foley*. Va. Law Rev. Nov. 1947.

Liberals. Who are the liberals? *Norman Thomas*. Am. Mercury. Nov., 1947.

———. Memo to Southern liberals. *Ellis Arnall*. Southwest Rev. Winter, 1948.

Military Dominance. The military move in. *Hanson W. Baldwin*. Harper's. Dec., 1947.

M.V.A. Grass-roots sentiment does not favor an M.V.A. *Chan Gurney*. Pub. Util. Oct. 23, 1947.

Personnel. Work measurement in the personnel office. *Herbert H. Rosenberg*. Outplacement programs of the federal government. *Walter G. Kealey*. Should position classification and budgeting be combined? *H. Alan McKean*. Personnel Admin. Sept., 1947.

———. How to rid the government of communists. *James A. Wechsler*. Harper's Nov., 1947.

Planning. Administering the employment act; the first year. *R. E. Flanders*. Pub. Admin. Rev. Autumn, 1947.

Politics. Stalemate in Washington. *N. A. Pelcovits*. Antioch Rev. Fall, 1947.

Presidential Succession. The new presidential succession act. *Joseph E. Kallenbach*. Am. Pol. Sci. Rev. Oct., 1947.

Public Administration. Public administration in the atomic age. *Arthur W. Bromage*. Establishment boards in the federal civil service. *R. J. Jouno*. Am. Pol. Sci. Rev. Oct., 1947.

Public Utilities. Depreciation reserves in public utility balance sheets. *H. A. Horne*. Pub. Util. Oct. 23, 1947.

———. Present-day aspects of rate-making. *Nelson Lee Smith*. Pub. Util. Nov. 6, 1947.

———. Amendments to the federal power act. *Charles L. Campbell*. Pub. Util. Nov. 20, 1947.

Race Relations. Legalized blackmail. *Bradford Smith*. Gold vs. silver workers in the canal zone. *George W. Westerman*. Common Ground. Winter, 1948.

———. Resisting the enforcement by courts of restrictive covenants based on race. *G. L. Vaughn*. Recent trends in the law of racial segregation on public carriers. *R. P. Alexander*. Nat. Bar Jour. Dec., 1947.

Social Security. Current trends in basic principles of workmen's compensation. *Samuel B. Horowitz*. Law Society Jour. Aug., 1947.

State Legislatures. You, too, can be called "senator." *Gerald Movius*. Nation's Business. Nov., 1947.

Taxation. The Pennsylvania community property statute; its federal income, gift and estate tax implications. *E. N. Polisher*. Community property in Pennsylvania. *W. H. Dodd*. Dickinson Law Rev. Oct., 1947.

———. The United States supreme court and the Wiener case. *Q. W. de Funiak*. Notre Dame Lawyer. Nov., 1947.

———. The supreme court and the federal income tax since Pearl Harbor. *L. S. Goldberg*. Ia. Law Rev. Nov., 1947.

———. Some income tax aspects of community property law. *Paul R. Trigg, Jr.* Mich. Law Rev. Nov., 1947.

———. Federal-state taxation. Overlapping taxes and moves for coördination. Excise taxes. Estate and inheritance taxes. The federal unemployment tax. Community property and federal income taxes. Federal grants-in-aid. Statement of joint conference of representatives of the congress of the United States and of the governor's conference. *Editors*. State Govt. Nov., 1947.

———. Tax trends in the central states. *Edward Roesken*. Taxes, Nov., 1947.

———. The community property gold brick. *Frank E. Seidman*. Taxes, Nov., 1947.

———. Taxation and finance in New York state. *Alger B. Chapman*. Taxes. Dec., 1947.

———. Revenue revision 1947-48. *Roswell Magill and Committee*. Taxes. Dec., 1947.

———. Should federal law permit universal "income splitting" for tax purposes? pro and con. *Symposium*. Cong. Digest. Dec., 1947.

Territories. Should congress now grant statehood to the territory of Hawaii? pro and con. *Symposium*. Cong. Digest. Nov., 1947.

T.V.A. Norris, Tennessee; an abandoned experiment. *L. D. Farrar*. Pub. Util. Nov. 20, 1947.

FOREIGN AND COMPARATIVE GOVERNMENT

Books and Pamphlets

Ahmad, Nafis. The basis of Pakistan. Pp. 203. London: Luzac. 1947.

Alba, V. Insomnie espagnole. Les secrets d'une dictature. Pp. 220. [available through Gregory Lounz. 11 East 45th St., N. Y.] 1947.

Ambedkar, Bhimrao Ramji. States and minorities, what are their rights and how to secure them in the constitution of Free India. Pp. 79. Bombay: Thacker. 1947.

Campion, Gilbert F. M. An introduction to the procedure of the House of Commons; 2nd ed. Pp. 363. N. Y. Macmillan. 1947.

Closon, F. Louis. La region, cadre d'un gouvernement moderne. Pp. 162. Paris: Berger-Levrault. 1946.

Fabian Society. The Sudan; the road ahead. Pp. 29. London: Fabian Pubns. 1945.

Haldane Society Committee. Law reform now. Pp. 32. London: Gollancz. 1947.

Haskell, Henry J. The new deal in old Rome; how government in the ancient world tried to deal with modern problems; 2nd ed., rev. Pp. 281. N. Y.: Knopf. 1947.

Hecht, David. Russian radicals look to America, 1825-1894. Pp. 242. Cambridge (Mass.): Harvard Univ. Press. 1947.

Hernández, Octavio A. La constitución política de los Estados Unidos Mexicanos; genesis, exégesis, hermenéutica, critica y proyecciones. No pag. Mexico City: Editorial Cultura. 1946.

Hollis, Christopher. The rise and fall of the ex-socialist government. Pp. 131. London: Hollis & Carter. 1947.

Inge, W. R., Elliot, Walter, and Hogg, Quentin. God, king, and empire. Pp. 61. N. Y.: Hutchinson. 1947.

King-Hall, Stephen. Our own times: a political and economic survey; vols. I and II. Pp. 449 and 567. London: Faber. 1947.

Laufenburger, Henry. Finances comparées, États-Unis, France, Grand-Bretagne, Suisse, U.S.S.R. Pp. 432. Paris: Recueil Sirey. 1947.

Liberal Party (Australia). The federal constitution of the liberal party of Australia. Pp. 29. Canberra: Fed. Secretariat of the Liberal Party of Australia. 1946.

Louis, Paul. Histoire du socialisme en France, 1789-1945. Pp. 419. Paris: M. Rivière. 1946.

Mantoux, Paul J. The industrial revolution in the eighteenth century; rev. trans. Pp. 539. N. Y.: Macmillan. 1947.

Murray, Charles de Bois. How Scotland is governed; rev. ed. Pp. 228. Glasgow: Art & Educ. Pubrs. 1947.

Natarajan, Swaminath. Indian parties and politics. Pp. 31. N. Y.: Indian Branch, Oxford Univ. Press. 1947.

Page, Sir Arthur. The citizen's choice; socialism explained and exposed. Pp. 12. Edinburgh: W. Blackwood. 1947.

Payne, Pierre Stephen R. China awake. Pp. 433. N. Y.: Dodd, Mead. 1947.

Powicke, F. M. King Henry the III and the Lord Edward; the community of the realm in the thirteenth century; 2v. Pp. 858. N. Y.: Oxford. 1947.

Reis, Charles. The government of Trinidad and Tobago; 3rd rev. ed. Pp. 336. Port-of-Spain (Trinidad): Yuille's Printerie. 1947.

Robb, Douglas. Health reform in New Zealand. Pp. 103. Springfield (Ill.): C. C. Thomas. 1947.

Simon, Yves R. Community of the free; tr. from French by Willard R. Trask. [Vichy régime]. N. Y.; Holt. 1947.

Von Hassell, Ulrich. The von Hassell diaries, 1938-1944; the story of the forces against Hitler inside Germany. Pp. 414. Garden City: Doubleday. 1947.

Articles

Australia. Australian labour today. *Lloyd Ross.* Univ. of Toronto Quar. Oct., 1947.

Austria. Democracy besieged in Austria. *American Migrant.* Contemp. Rev. Nov., 1947.

Belgium. The Belgian constitutional problem. *Observer.* Contemp. Rev. Nov., 1947.

Bolivia. Bolivian politics and labor. *Robert J. Alexander.* Can. Forum. Nov., 1947.

Bulgaria. Bulgaria, part I; consolidation of the fatherland front. *W. S. Vucinich*. *Current Hist.* Nov., 1947.

Burma. Burma two years after liberation. *G. Appleton*. *Int. Affairs.* Oct., 1947.

———. Politics in Burma *Barindra Nath Dass*. *Modern Rev.* [India]. Oct., 1947.

Canada. Albertan politics. *Isabel MacMillan*. *Can. Forum.* Nov., 1947.

———. The government of a central labour body. *A. Andras*. *Can. Jour. of Econ. & Pol. Sci.* Nov., 1947.

———. Decontrol and the farmer. *Andrew Hebb*. *Communism and the unions*. *Margot Thompson*. *Can. Forum.* Dec., 1947.

Ceylon. Ceylon's future. *T. Reid*. *Fortnightly.* Nov., 1947.

China. Civil service examinations in China. *Henry L. Bruckardt*. *Personnel Admin.* Sept., 1947.

———. The case for China. *Cheng Tien-fang*. *Asiatic Rev.* Oct., 1947.

———. China; between zeal and bigotry. *Tony Gibson*. *Fortnightly.* Oct., 1947.

———. Basic problems of the Chinese working classes. *Ta Chen*. *Am. Jour. of Sociol.* Nov., 1947.

———. China; Spain of world war III? *James P. Speer*. *Freedom & Union.* Nov., 1947.

———. China's job begins at home. *Herbert M. Bratter*. *Nation's Business.* Dec., 1947.

Czechoslovakia. Czechoslovakia's two-year plan. *W. Diamond*. *World Affairs.* Oct., 1947.

———. The Czechs and the Slovaks; new aspects of an old problem. *S.L.S.* *Am. Perspective.* Oct., 1947.

———. Czechoslovakia: Moscow's reluctant ally. *I.D.W. Talmadge*. *Current Hist.* Nov., 1947.

Finland. Finland; trends and pressures. *H.O.L.* *Am. Perspective.* Nov., 1947.

Formosa. Formosa's return to China. *George Kerr*. *Far East. Survey.* Oct. 15, 1947.

———. Formosa: the March massacres. *George Kerr*. *Far East. Survey.* Nov. 5, 1947.

France. French North Africa; empire in transition. *H.J.L.* *Am. Perspective.* Oct., 1947.

———. Nationalization in France—after one year. *C. Poznanski*. *Soundings.* Oct., 1947.

———. L'Assemblée de l'Union française, enfin créée, va se réunir. *Georges Bousset*. *Les pluralismes, contre l'état.* *Robert Catherine*. *Rev. Pol. et Parl.* Oct., 1947.

———. Things in France. *John Pollock*. *Contemp. Rev.* Nov., 1947.

General and Comparative. La lutte contre criminalité des mineurs conduisant à la sécurité future des états. *Helene Romniceau*. *Rev. de Droit Int.* Avril-Juin, 1947.

———. Central America. *Peter Smithers*. *Int. Affairs.* Oct., 1947.

———. Roman law today. *P. W. Duff*. *Scotland and the Roman law.* *M. G. Fisher*. *Political implications of Roman law.* *H. F. Jolowicz*. *Tulane Law Rev.* Oct., 1947.

———. Natural justice and unnatural procedure. *Norman Bentwich*. *Fortnightly.* Oct., 1947.

———. The evolution of citizenship. *Frederick H. Cramer*. *Current Hist.* Oct., 1947.

- . Western and eastern traditions of central Europe. *F. Dvornik*. Rev. of Pol. Oct., 1947.
- . Political movements, their strength and weakness. *W. Lissner*. Am. Jour. of Econ. & Sociol. Oct., 1947.
- . Some South American republics: Chile, Colombia, and Peru. *Arthur F. Loveday*. Quar. Rev. Oct., 1947.
- . Regionalism and administration; North American experiments. *F. Kenneth Hare*. Can. Jour. of Econ. & Pol. Sci. Nov., 1947.
- . This the Arab. *Ted Berkman*. Am. Mercury. Nov., 1947.
- . New democracy; a Soviet interpretation. *S.L.S.* Am. Perspective. Nov., 1947.
- Germany. Trends of opinion in Germany today. *Valentin Tomberg*. Dublin Rev. Autumn, 1947.
- . The twilight of national socialism in Germany, 1943-1945. *Émile de Groot*. Int. Affairs. Oct., 1947.
- . What future for Germany? *Felix E. Hirsh*. Current Hist. Oct., 1947.
- . The Junkers and the Prussian administration from 1918 to 1939. *Lysbeth S. Muncy*. Rev. of Pol. Oct., 1947.
- . With the Americans in Germany. *A. G. Bettany*. World Affairs. Oct., 1947.
- . Berlin and the Russian zone. *Heinrich Fraenkel*. Pol. Quar. Oct.-Dec., 1947.
- . Le financement de la guerre en Allemagne. *Per Jacobson*. Kyklos. Vol. I, no. 1.
- Great Britain. Statements to the police as evidence. *W. J. Dobie*. Juridical Rev. Aug., 1947.
- . The myth of magna carta. *Max Radin*. Harvard Law Rev. Sept., 1947.
- . British opinion moves toward a new synthesis. *Tom Harrison*. Pub. Opin. Quar. Fall, 1947.
- . Workers' control of industry and the British labor party. *R. A. Dahl*. Am. Pol. Sci. Rev. Oct., 1947.
- . Dearth of leadership. *Wickham Steed*. Contemp. Rev. Oct., 1947.
- . The course of conservative politics. *Viscount Hinchinbrooke*. Landlords and tenants, 1189-1947. *L.G. H. Horton-Smith*. Quar. Rev. Oct., 1947.
- . Moral strength of the British Commonwealth. *Dowager Marchioness of Reading*. Commonwealth & Empire Rev. Oct., 1947.
- . Rebuilding the British merchant navy. *Leighton Seager*. Commonwealth & Empire Rev. Oct., 1947.
- . The disease and the remedy. *Christopher Hollis*. Soundings. Oct., 1947.
- . Military service and the development of nationalism in England, 1272-1327. *Barnaby C. Keeney*. Speculum. Oct., 1947.
- . The repercussions of Zionism in Britain. *E. Rosenthal*. World Affairs. Oct., 1947.
- . Ratio decidendi and obiter dictum in appellate courts. *G. W. Paton and G. Sawyer*. Law Quar. Rev. Oct., 1947.
- . The privy council; new issues arise in the British commonwealth. *L. M. Minty*. Am. Bar Assoc. Jour. Oct., 1947.
- . The Heath case: R.v. Neville George Clevely Heath. *Keith Simpson*. Police Jour. Oct.-Dec., 1947.
- . Incentives and government policy. *P. Sargent Florence*. The content of legislation. *E.C.S. Wade*. Pol. Quar. Oct.-Dec., 1947.
- . Inequality in education. *Richard Livingstone*. Atlantic. Nov., 1947.
- . Prospects in Britain today. *Simon Paynter*. Can. Forum. Dec., 1947.

———. How United States companies are taxed by Great Britain. *F. Bradshaw Makin*. Taxes. Nov., 1947.

———. Physical planning in the region—British endeavors. *H. Spencer-Sales*. Can. Jour. of Econ. & Pol. Sci. Nov., 1947.

———. History and politics in Wales. *W. Watkin Davies*. Priorities in the national health service, *C. E. A. Bedwell*. Contemp. Rev. Nov., 1947.

India. India, Pakistan, and the world. *Sirdar Ikbāl Ali Shah*. Contemp. Rev. Oct., 1947.

———. Side-lights on the Indian independence act, 1947. *A. K. Ghosal*. The growth of communalism and break-down of the Bengal administration. *Bejoy Bhari Mukherji*. Modern Rev. [India]. Oct., 1947.

———. India today and tomorrow. *Percival Griffiths*. The Indian army. *J. N. Chaudhuri*. India; ringing up the curtain. *Alfred Watson*. India and Pakistan; accession of the states. *Correspondent*. Asiatic Rev. Oct., 1947.

———. India and the future. *John Coatman*. Pol. Quar. Oct.—Dec., 1947.

———. India today. *George E. Jones*. Far East. Survey. Nov. 26, 1947.

———. India; house divided. *Alice B. McGinty*. Current Hist. Nov., 1947.

———. Crisis in Indonesia. *Charles Fisher*. Pol. Quar. Oct.—Dec., 1947.

———. The Eurasian question in Indonesia. *Charles Fisher*. Int. Affairs. Oct., 1947.

Italy. Italy emerges. *Richard Gould-Adams*. Quar. Rev. Oct., 1947.

———. The fate of the Italian colonies. *L. James*. Fortnightly. Nov., 1947.

Japan. Où va le Japon? *Jacques Decaux*. Rev. Pol. et Parl. Oct., 1947.

———. Japan's constitutions: 1890 and 1947. *Harold S. Quigley*. Am. Pol. Sci. Rev. Oct., 1947.

———. Democracy in Japan. *Roger N. Baldwin*. Freedom & Union. Dec., 1947.

Jugoslavia. The central government of Yugoslavia. *Michael Boro Petrovich*. Pol. Sci. Quar. Dec., 1947.

Korea. Tug of war in Korea. *Robert Oliver*. Current Hist. Oct., 1947.

———. The occupation of Korea. *George M. McCune*. For. Policy Rep. Oct. 15, 1947.

Malaya. The federation of Malaya. *Barbara Whittingham-Jones*. Nine. Cent. Oct., 1947.

Mexico. Penal legislation in Mexico. *Paul Carrancá y Trujillo*. Soc. Sci. in Mexico and South and Cent. America. Fall, 1947.

Netherlands. The Netherlands record in Indonesia. *Flora Bridges*. Current Hist. Oct., 1947.

Newfoundland. Newfoundland—tenth province? *Susan Strange*. World Affairs. Oct., 1947.

Nigeria. The problems of northern Nigeria. *Mallam B. Dipcharima*. Liberal Mag. Oct., 1947.

Palestine. Is bi-nationalism a solution? *Mark M. Krug*. Chicago Jewish Forum. Fall, 1947.

Poland. Poland and Russia yesterday and today. *Raymond Beazley*. Quar. Rev. Oct., 1947.

———. Economic planning in Poland. *Colston E. Warne*. Current Hist. Nov., 1947.

Rhodesia. The two Rhodesias. *Charles Villiers*. Soundings. Oct., 1947.

Soviet Union. Reports on the Soviet Union. *Waldemar Gurian*. Dublin Rev. Autumn, 1947.

———. The retreat from science in Soviet Russia. *C. D. Darlington*. Nine. Cent. Oct., 1947.

———. The U.S.S.R. revisited. *Edward Crankshaw*. Int. Affairs. Oct., 1947.

- . Le rétablissement du Komintern et son perfectionnement. ***. Rev. Pol. et Parl. Oct., 1947.
- . Some sources of American hostility to Russia. *Arthur K. Davis*. Am. Jour. of Sociol. Nov., 1947.
- . Russian geography and policy. *J. V. Davidson-Houston*. Nat. Rev. Nov., 1947.
- Spain.** A little common sense about Spain. *Richard Potter*. Cath. World. Nov., 1947.
- Turkey.** Turkey's international relations. *Cevat Açıkalın*. Int. Affairs. Oct., 1947.
- Venezuela.** Constitutional law in Venezuela. *R. J. Cohn*. Fortnightly. Oct., 1947.

INTERNATIONAL RELATIONS

Books and Pamphlets

- Armstrong, Hamilton Fish*. The calculated risk [United Nations]. Pp. 80. N. Y.: Macmillan. 1947.
- Beloff, Max*. The foreign policy of Soviet Russia; vol. 1, 1929-36. Pp. 261. London: Oxford. 1947.
- Carr, E. H.* International relations between the two world wars, 1919-1939. Pp. 303. London: Macmillan. 1947.
- Committee to Frame a World Constitution*. Preliminary draft of a world constitution. Pp. 32. Chicago: Author: 1947.
- Cornell, Julien D.* New world primer. Pp. 174. N. Y.: New Directions Books. 1947.
- Mallery, Otto T.* More than conquerors; building peace on fair trade. Pp. 204. N. Y.: Harper. 1947.
- Robbins, Lionel*. The economic problem in peace and war; some reflections on objectives and mechanisms, Pp. 86. London; Macmillan. 1947.
- Robinson, Jacob*. Palestine and the United Nations. Pp. 277. Washington: Public Affairs Press. 1947.

Articles

- Atomic Energy.** This atom question. *R. F. Harrod*. Soundings. Nov., 1947.
- . Atomic war or peace: the crucial question. *Albert Einstein*, as told to Raymond Swing. Atlantic. Nov., 1947.
- Australia.** Australia, a bastion in the far east. *Frederick Eggleston*. Commonwealth & Empire Rev. Oct., 1947.
- . Australia and the peace with Japan. *Werner Levi*. Far East. Survey. Nov. 26, 1947.
- Benelux.** The promise of Benelux. *Douglas Woodruff*. Soundings. Oct., 1947.
- British Commonwealth.** On empire preference. *Deryck Abel*. Liberal Mag. Oct., 1947.
- . British Commonwealth as a world power. *L. S. Amery*. Commonwealth & Empire Rev. Oct., 1947.
- . The British commonwealth in the postwar world. *W. J. Hennigar*. Dalhousie Rev. Oct., 1947.
- Czechoslovakia.** Masaryk: diplomat in silk pajamas. *John Kobler*. Harper's. Nov., 1947.
- Displaced Persons.** Displaced persons. *Alec Dickson*. Nat. Rev. Nov., 1947.
- Food.** The world talks over its food and agriculture problems. *N. E. Dodd*. Dept. of State Bull. Nov. 30, 1947.

France. Comment coopérer avec les États-Unis? *Gabriel Louis Jaray*. Rev. Pol. et. Parl. Oct., 1947.

Great Britain. Britain points to a United Europe. *Tibor Payzs*. America. Aug. 9, 1947.

———. Anglo-Soviet trade negotiations. *L. M. Am. Perspective*. Oct., 1947.

International Administration. International personnel administration. *William P. Lehman*. Personnel Admin. Sept., 1947.

International Communication. The Atlantic City telecommunication conferences. *Francis Colt de Wolf*. Dept. of State Bull. Nov. 30, 1947.

International Law. International law and the United Nations. *Edward D. Re*. St. John's Law Rev. Apr., 1947.

———. Patterns of international law and organization in the atomic age. *G. Schwarzenberger*. Juridical Rev. Aug., 1947.

———. The subjects of the law of nations, part I. *H. Lauterpacht*. Law Quar. Rev. Oct., 1947.

International Trade and Finance. The principles of international trade. *Christopher Hollis*. Soundings. Nov., 1947.

———. Cuba in the inter-American economy. *W. L. N. Am. Perspective*. Nov., 1947.

Italy. Peace with Italy—an appraisal. *René Albrecht-Carrié*. Pol. Sci. Quar. Dec. 1947.

Peace Problems. Humanism and world tensions. *Oliver L. Reiser*. Antioch Rev. Fall, 1947.

———. The international outlook. *Arnold J. Toynbee*. Int. Affairs. Oct., 1947.

Regions. Interamerican coöperation for the 1950 censuses. *Gilberto Loyo*. Soc. Sci. in Mexico and South and Cent. America, Fall, 1947.

———. Northern Canada and Alaska: their strategic importance. *A. V. Thomas*. World Affairs. Oct., 1947.

———. The "Eastern question" reopened. *K. M. Smogorzewski*. Contemp. Rev. Oct., 1947.

———. Contemporary international interest in the Antarctic. *W. L. S. Fleming*. Int. Affairs. Oct., 1947.

———. Political claims in the Antarctic. *R. N. Rudmose Brown*. World Affairs. Oct., 1947.

Science and War. La science et la guerre. *Georges Rigassi*. Rev. de Droit Int. Avril-Juin, 1947.

Soviet Union. As Russia sees us. *P. Theodosiev*. Chicago Jewish Forum. Fall, 1947.

———. Stalin plotted a separate peace. *Donald B. Sanders*. Am. Mercury. Nov., 1947.

———. What does a Russian promise mean? *Eugene Lyons*. Nation's Business. Dec., 1947.

———. Report on Russian imperialism. *Neal Stanford*. Am. Mercury. Dec., 1947.

Trusteeships. The advancement of dependent peoples. *Francis B. Sayre*. The United Nations and non-self-governing territories. Editors. Int. Conciliation. Nov., 1947.

———. How international is colonial trusteeship? *David Thomson*. Pol. Quar. Oct.-Dec., 1947.

———. The United Nations and the non-self-governing territories. *J. A. Bough*. Nat. Bar. Jour. Dec., 1947.

Turkey. A note on the history of the Turks-Caucasian border. *Malcolm Burr*. Asiatic Rev. Oct., 1947.

———. Turkey in search of protectors. *Aileen G. Cramer*. Current Hist. Oct., 1947.

———. The Turkish straits and the great powers. *Cyril E. Black*. For. Policy Rep. Oct. 1, 1947.

———. Turkey in search of a protector; 1918-1947. *Aileen G. Cramer*. Current Hist. Nov., 1947.

Unesco. The role of UNESCO. *Jaime Torres Bodet*. Soc. Sci. in Mexico and South and Cent. America. Fall, 1947.

War Crimes. The Nuernberg verdict. *Harold Leventhal, Sam Harris, John M. Woolsey, Jr., Warren F. Farr*. Harvard Law Rev. July, 1947.

———. The Nürnberg trial. *Francis Biddle*. Va. Law Rev. Nov., 1947.

———. Nürnberg 1946—the trial. *Paul Reuter*. Notre Dame Lawyer. Nov., 1947.

World Organization. La révision des traités et la charte des nations unies. *Antonii M. Nicoloff*. Rev. de Droit Int. Avril-Juin, 1947.

———. The United Nations: its record of achievement. *Leland M. Goodrich*. For. Policy Rep. Sept. 15, 1947.

———. Unanimity—master-wheel to world understanding. *Alfred J. Hotz*. Chicago Jewish Forum. Fall, 1947.

———. Relations between the United Nations and the international labor organization. *John H. E. Fried*. Am. Pol. Sci. Rev. Oct., 1947.

———. Recent issues at Lake Success. *L. C. Green*. Security under the United Nations. *R. Fulljames*. World Affairs. Oct., 1947.

———. The Roman origin and the American justification of the tribunitial or veto power in the charter of the United Nations. *Mitchell Franklin*. Tulane Law Rev. Oct., 1947.

———. International voting procedures. *H. R. G. Greaves*. Pol. Quar. Oct.-Dec., 1947.

———. The U. S. attitude on the UN veto. *Tibor Payzs*. America. Nov. 1, 1947.

———. The Pan-American Union and the United Nations. *Alberto Lleras*. Bull. Pan Am. Union. Nov., 1947.

———. Universal union vs. free union. *Harris Wofford and Paul Findley*. The federal union answer. *Clarence K. Streit*. Freedom & Union. Nov., 1947.

———. U.N.O. in travail. *George Glasgow*. Contemp. Rev. Nov., 1947.

———. Job of the Balkan commission. *T. J. Hamilton*. Freedom & Union. Dec., 1947.

World War II. Le réarmement français en Afrique du Nord. (1942-1944), part I. *Georges Marey*. Rev. Pol. et Parl. Oct., 1947.

LOCAL GOVERNMENT

Anderson, Lynn F., and Webb, Wilfred D. The Texas city official; a digest of powers and duties. Pp. 84. Austin: Univ. of Tex. 1947.

Barry, Theodore A. San Francisco, California, 1850. Pp. 180. Oakland (Calif.): Biobooks, 515 Weldon. 1947.

Lankam, Edwin Moultrie. Politics is murder. [Novel of municipal politics]. Pp. 236. N. Y.: Harcourt. 1947.

Sins of New York. Pp. 286. N. Y.: Boni and Gaer. 1947.

Wilson, Norman. Municipal health services. Pp. 178. N. Y.: Macmillan. 1947.

Articles

Airports. Leasing airports to fixed-base operators. *L. L. Bollinger*. Pub. Management. Oct., 1947.

Charter Commissions. Charter commissions active throughout state. *Elizabeth C. Reed*. Minn. Municipalities. Nov., 1947.

Health. Health centers and the hospital construction program in New Jersey. *John Hall*. Municipalities. Oct., 1947.

Housing. Clear slums? Yes! But how? *Junnis B. Wood*. Nation's Business. Dec., 1947.

Local Government Abroad. Britain begins to rebuild her cities. *Coleman Woodbury*. Am. Pol. Sci. Rev. Oct., 1947.

———. Trends in British local government. *W. W. Crouch*. Pub. Admin. Rev. Autumn. 1947.

———. Critique: American versus German city planning. *Bryn J. Hovde*. Minn. Municipalities. Nov., 1947.

Municipal Building. Price trends in municipal construction. *Alex van Praag, Jr.* and *Benjamin C. Seal*. Ill. Mun. Rev. Nov., 1947.

Municipal Research. Municipal research and the state university. *Robert R. Dockson*. New Jersey Municipalities. Nov., 1947.

Real Estate. The purchase, sale, and lease of real estate in villages. *R. J. Cunningham*. The Municipality. Dec., 1947.

State Legislation. New state laws affecting cities. *J. C. Crowley*. Pub. Management. Nov., 1947.

Traffic. Illinois organizing for local traffic safety conference. *T. P. Sullivan*. Ill. Mun. Rev. Oct., 1947.

Transportation. Can New York's transit ills be helped? *Charles P. Gross*. Pub. Util. Dec. 4, 1947.

POLITICAL AND LEGAL PHILOSOPHY

Books and Pamphlets

Berdyaev, Nicolas. The Russian idea. Pp. 255. London: Bles. 1947.

Bogardus, E. S. The development of social thought; 2nd. ed. Pp. 574. N. Y.: Longmans, Green. 1947.

Bowen, Ralph H. German theories of the corporative state; with special reference to the period 1870–1919. N. Y.: Whittlesey House. 1947.

Cadoux, Cecil J. Roman Catholicism and freedom. Pp. 206. London: Independent. 1947.

Cameron, Ruth H. Supplanters of history and God's pattern of the ages of man. Pp. 202. Boston: Christopher. 1947.

Cardwell, Guy A. Readings from the Americas; an introduction to democratic thought. Pp. 1021. N. Y.: Ronald. 1947.

Carmer, Carl L. For the rights of man. Pp. 64. N. Y.: Hinds, Hayden & Eldredge. 1947.

Eden, Anthony. Freedom and order: selected speeches, 1939–46. Pp. 436. London: Faber. 1947.

Ewing, Alfred C. The definition of good. Pp. 215. N. Y.: Macmillan. 1947.

Foner, Philip S., ed. Jack London, American rebel; a collection of his social writings, together with an extensive study of the man and his times. Pp. 542. N. Y.: Citadel Press. 1947.

Freud, Sigmund. Freud: on war, sex and neurosis [tr. from the German]. Pp. 288. N. Y.: Arts and Science Press. 1947.

Fronm, Erich. Man for himself; an inquiry into the psychology of ethics. Pp. 268. N. Y.: Rinehart. 1947.

Goodspeed, Edgar J. Paul. Pp. 255. Philadelphia: Winston. 1947.

Hook, Sidney, and Konvitz, Milton, eds. Freedom and experience; essays presented to Horace M. Kallen. Pp. 364. Ithaca: Cornell Univ. Press. 1947.

Jaurès, Jean Leon. Anthologie de Jean Jaurès. Pp. 320. Paris: Colman-Levy. 1946.

Jones, William T. Masters of political thought; v. 2, Machiavelli to Bentham. Pp. 388. Boston: Houghton. 1947.

Keller, Albert G. Societal evolution; a study of the evolutionary basis of the science of society; rev. ed. Pp. 428. New Haven: Yale. 1947.

Kumarappa, Joseph Cornelius. The economy of permanence; a quest for a social order based on non-violence. No pag. Wardha (C. P.): All India Village Assn. 1946.

Lenin, Vladimir Ilich. Materialism and empirio-criticism; critical comments on a reactionary philosophy, tr. by A. Fineberg. Pp. 391. Moscow: For. Languages Pub. House. 1947.

Leroy, Maxime. Histoire des idées sociales en France. No pag. Paris: Gallimard. 1947.

Malinowski, Bronislaw. Freedom and civilization. Pp. 338. London: Allen and Unwin. 1947.

Miller, Hugh. An historical introduction to modern philosophy. Pp. 625. N. Y.: Macmillan. 1947.

Muste, A. J. Not by might; Christianity: the way to human decency. Pp. 240. N. Y.: Harper. 1947.

Ritter, Gerhard. Machtstaat und Utopie; vom Streit um die Dämonie der Macht seit Machiavelli und Morris; 2nd ed. Pp. 173. München: R. Oldenbourg. 1941.

Roubiczek, Paul. The misinterpretation of man; studies in European thought of the nineteenth century. Pp. 318. N. Y.: Scribner. 1947.

Rousseau, Jean Jacques. Du contrat social; précédé d'un essai sur la politique de Rousseau, par Bertrand de Jouvenel. Pp. 398. Genève: Editions du Cheval ailé. 1947.

Trotter, Wilfred. Instincts of the herd in war and peace. Pp. 270. N. Y.: Macmillan. 1947.

Zimmerman, C. C. Family and civilization. Pp. 839. N. Y.: Harper. 1947.

Articles

Thomas Aquinas. Thomas Aquinas: advocate of natural law and limited sovereignty. *Wendell Phillips Dodge, Jr.* Am. Bar Assoc. Jour. Oct., 1947.

Bureaucracy. Bureaucracy; the problem and its setting. *Reinhard Bendix.* Am. Sociol. Rev. Oct., 1947.

Christianity. Christianity and human rights. *Barbara Ward.* Atlantic. Dec., 1947.

Communist Manifesto. The moral challenge of the Communist Manifesto. Edmund Fuller. Am. Scholar. Winter, 1947-48.

Democracy. Party as an essential part of the democratic system. *Joyce Bamforth.* Liberal Mag. Oct., 1947.

Dewey. John Dewey's conception of nature. *D. B. Saxon.* Univ. of Toronto Quar. Oct., 1947.

Economic Theory. Some French contributions to economic theory. *Maurice Lamontagne.* Can. Jour. of Econ. & Pol. Sci. Nov., 1947.

———. Wirtschaft und wirtschaftslehre nach zwei Weltkriegen. *Edgar Salin.* Kyklos. Vol. I, no. 1.

———. Less stabilization: more stability. *A. G. B. Fisher.* Kyklos. Vol. I, no. 1.

Educational Theory. Where to, education? *Editors.* Quar. Research Survey. Oct., 1947.

Fourierism. The attitude of the Fourierist school towards the Jews. *Edmund Silberner*. Jewish Soc. Studies. Oct., 1947.

Freedom. The freedom of the individual. *B. J. Hovde*. Am. Jour. of Econ. & Sociol. Oct., 1947.

Hebrew Thought. The idea of interpretation in Hebrew thought. *Solomon Simonson*. Jour. of the Hist. of Ideas. Oct., 1947.

Industrial Co-Partnership. Alternatives to nationalization. *Ernest Marples*. Soundings. Nov., 1947.

Jurisprudence. The communal concept of law. *G. Merle Bergman*. Yale Law Jour. Nov., 1947.

———. An anonymous treatise on law; the pseudo-Platonic dialogue Minos. *Anton-Hermann Chroust*. Notre Dame Lawyer. Nov., 1947.

———. The quest of justice; reflections on interpretations of modern legal philosophies. *John C. H. Wu*. Ia. Law Rev. Nov., 1947.

Medievalism. Aspects of medieval thought on church and state. *Gerhart B. Ladner*. The corporate idea and the body politic in the middle ages. *Anton-Hermann Chroust*. The significance of medieval intellectual culture. *Alois Dempf*. Rev. of Pol. Oct., 1947.

———. Medievalism and European unity. *Henry Slessor*. Fortnightly. Nov., 1947.

Morals. A question 2,000 years old: civilizations totter when morals slip their moorings. *J. M. Lalley*. Nation's Business. Dec., 1947.

Natural Law. Natural law; a functional interpretation. *Burke Inlow*. Am. Pol. Sci. Rev. Oct., 1947.

Plato. Form and content in Plato's philosophy. *Philip Merlan*. Jour. of the Hist. of Ideas. Oct., 1947.

Science and Politics. On the agenda of physics and politics. *Charles E. Merriam*. Am. Jour. of Sociology. Nov., 1947.

———. A biologist looks at war. *Paul A. Zahl*. Am. Scholar. Winter, 1947-48.

———. Science and the state. *W. T. Wells*. Fortnightly. Nov., 1947.

John Taylor. John Taylor of Caroline; forgotten prophet. *Carol L. Thompson*. Current Hist. Nov., 1947.

Veblen. Thorsten Veblen—moralist. *Daniel Haron*. Antioch Rev. Fall. 1947.

———. *Editors*. Fortune. Dec., 1947.

MISCELLANEOUS

Books and Pamphlets

"*Amicus Curiae*," ed. Law in action; an anthology of the law in literature [Fiction—Dickens, Galsworthy, etc.]. Pp. 512. N. Y.: Crown. 1947.

Peters, J. Secrets of the communist party exposed! The secret communist party manual on organization. Pp. 63. Columbus (Ohio): State Pub. Co., 1947.

Steinberg, S. H., ed. The statesman's year-book. Pp. 1466. N. Y.: Macmillan. 1947.

Articles

Public Opinion. Public opinion in a world of power politics. *B. H. Williams*. Pub. Opin. Quar. Fall, 1947.

Social Sciences. The social sciences in Argentina (conclusion). *Luis Recasens Siches*. Soc. Sci. in Mexico and South and Cent. America. Fall. 1947.

———. The differentiation of logical levels in social inquiry. *Frank Lorimer*. Am. Sociol. Rev. Oct., 1947.

———. Political science in the United States in wartime. *Carl J. Friedrich*. Am. Pol. Sci. Rev. Oct., 1947.

———. Principles and facts in the teaching of social sciences. *G. H. Levesque*. Can. Jour. of Econ. & Pol. Sci. Nov., 1947.

———. Definitions in the social sciences. *N. S. Timasheff*. Am. Jour. of Sociol. Nov., 1947.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Commerce Department

Census bureau. County data book, supplement to statistical abstract of United States. Washington: Govt. Ptg. Off., 1947. 431 p. (Also issued as H. doc. 340, 80th Cong., 1st sess.) \$2.75.

———Governmental revenue in 1946. Washington, 1947. 10p (processed).

———Governmental units overlying city areas. Washington, 1947. 55 p. (processed). (Governmental organization no. 3).

———*Inter-American Statistical Institute, Committee on 1950 census of the Americas*. Resolutions and recommendations of international organizations relating to censuses of population and agriculture. Washington, 1947. 13 p. (processed).

———State employment in 1947. Washington, 1947. 10p. (processed).

———Sources of state tax revenue in 1947. Washington, 1947. 30 p. (processed).

———State tax collections in 1946; final. Washington, 1947. 15 p. (processed).

Congress

House of representatives. Compilation of laws relating to mediation, conciliation, and arbitration between employers and employees, laws, disputes between carriers and employers and subordinate officials under Labor Board . . . Washington: Govt. Ptg. Off., 1947. 676 p. \$1.00.

———Laws relating to veterans; comp. by Elmer A. Lewis . . . Washington: Govt. Ptg. Off., 1947. 1001 p. \$1.75.

———Supplemental index to congressional committee hearings, Jan. 3, 1943–Jan. 3, 1947, in Library of House of Representatives, comp. by Elizabeth M. Shumaker. Washington: Govt. Ptg. Off., 1947. 63 p. 20¢.

———*District of Columbia committee*. Explanation of charts showing organization of agencies providing governmental services to District of Columbia. Washington: Govt. Ptg. Off., 1947. 30 p. 50¢.

———*Expenditures of executive departments committee*. Investigation of War Department publicity and propaganda in relation to universal military training, hearings . . . 80th Cong., 1st Sess. Washington: Govt. Ptg. Off., 1947. 81 p. 20¢.

———To create Department of Peace, hearings, 80th Cong., 1st sess., on H. R. 503. Washington: Govt. Ptg. Off., 1947. 60 p. 15¢.

———*Foreign affairs committee*. Emergency foreign aid. Hearings . . . 80th Cong., 1st Sess., on proposed legislation to promote world peace . . . Washington: Govt. Ptg. Off., 1947. 359 p.

- Judiciary committee*. Amending nationality act of 1940. Hearings . . . 80th Cong., 1st sess., on H. R. 2286. Washington: Govt. Ptg. Off., 1947. 43 p. 15¢.
- Amend the Constitution with respect to election of President and Vice President (to abolish electoral college system, etc.). Hearings . . . 80th Cong., 1st Sess., on H. J. Res. 9 . . . Washington: Govt. Ptg. Off., 1947. 105 p. 20¢.
- History of the committee on the judiciary . . . L. E. Graham. Washington: Govt. Ptg. Off., 1947. 72 p. (80th Cong., 1st Sess., H. Doc. 366).
- Revision of titles 18 and 28 of the United States Code. ["Crimes and criminal procedure" and "Judicial code and judiciary."] Washington: Govt. Ptg. Off., 44 p. (Serial No. 2.)
- Un-American activities committee*. Hearings regarding Hans Eisler. Washington: Govt. Ptg. Off., 1947. 209 p.
- Hearings regarding the communist infiltration of the motion picture industry. Washington: Govt. Ptg. Off., 1947. 548 p.
- Testimony of Victor A. Kravchenko. Hearings, 80th Cong., 1st sess., on H. R. 1884 and H. R. 2122. Washington: Govt. Ptg. Off., 1947. 30 p. 10¢.
- Testimony of Walter S. Steele regarding communist activities in United States. Hearings, 80th Cong., 1st sess., on H. R. 1884 and H. R. 2122 . . . Washington: Govt. Ptg. Off., 1947. 176 p. 35¢.
- Joint committee on the economic report*. Current price developments and the problem of economic stabilization. Hearings, 80th Cong., 1st sess. . . . Washington: Govt. Ptg. Off., 1947. 582 p.
- Senate. Civil service committee*. Retirement legislation. Hearings . . . 80th Cong., 1st sess., on H. R. 3511 and H. R. 4127 . . . Washington: Govt. Ptg. Off., 1947. 38 p.
- Veterans' legislation. Hearings . . . 80th Cong., 1st sess., on [various bills]. Washington: Govt. Ptg. Off., 1947. 54 p.
- Foreign relations committee*. Interim aid for Europe. Hearings . . . 80th Cong., 1st sess. . . . Washington: Govt. Ptg. Off., 1947. 272 p.
- Petroleum agreement with Great Britain and Northern Ireland. Hearings, 80th Cong., 1st sess. Washington: Govt. Ptg. Off., 1947. 397 p. 65¢.
- St. Lawrence seaway project. Hearings . . . 80th Cong., 1st sess., on S. J. Res. 111. . . . Washington: Govt. Ptg. Off., 1947. 603 p. \$1.25.
- Foreign relations committee*. Trends in Russian foreign policy since World War I, chronology of events from Mar. 15, 1917, to Jan. 1, 1947, prepared by Legislative Reference Service of Library of Congress. Washington: Govt. Ptg. Off., 1947. 68 p. (Committee print, 80th Cong., 1st sess.). 15¢.
- United States information and educational exchange act of 1947. Hearings before subcommittee, 80th Cong., 1st sess., and H. R. 3342 . . . Washington: Govt. Ptg. Off., 1947. 123 p. 25¢.
- Judiciary committee*. Improvements in the jury system of the federal courts. Hearings . . . 80th Cong., 1st sess., on S. 17 . . . Washington: Govt. Ptg. Off., 1947. 94 p.
- Kansas City vote fraud. Hearings . . . 80th Cong., 1st sess., on S. Res. 116 . . . Washington: Govt. Ptg. Off., 1947. 233 p. 40¢.
- Labor and public welfare committee*. Anti-discrimination in employment. Hearings . . . 80th Cong., 1st sess., on S. 984 . . . Washington: Govt. Ptg. Off., 1947. 809 p.
- National health program. Hearings . . . 80th Cong., 1st sess., on S 545, S. 1320 . . . Part 1. Washington: Govt. Ptg. Off., 1947. 608 p.
- Public lands committee*. Investigation of national resources. Hearings . . . 80th Cong., 1st sess . . . Washington. Govt. Ptg. Off., 1947. 338 p., maps, charts.

———*Public lands and surveys committee.* Federal contributions to state and local governmental units with respect to federally owned real estate. Hearings . . . 79th Cong., 2d sess. pursuant to S. Res. 315 . . . Washington: Govt. Ptg. Off., 1947. 192 p.

Public works committee. State planning for public works. Hearings . . . 80th Cong., 1st sess. on S. 1423 . . . Washington: Govt. Ptg. Off., 1947. 41 p. 15¢.

Federal Security Agency

Public Health Service, United States. Marriage and divorce statistics, United States, 1946. Washington, 1947. 164-175 p.

Justice Department

Immigration and naturalization service. USA citizenship, naturalization requirements and procedure, brief summary. Washington: Govt. Ptg. Off., 1947. 14 p.

Library of Congress

Acts of Congress providing for grants-in-aid to states, etc. R. L. Notz. Washington, 1947. 35 p. (mimeo.). (Furnished only to members of Congress. The cut in appropriations to the Legislative Service has forced the Library to discontinue all non-congressional distribution of such publications. This includes the Digest of Public General Bills, Monthly Summaries of State Legislation, Public Affairs Abstracts, and the Public Affairs Bulletins.)

Guides to the official publications of the other American Republics:

XI. Guatemala, Comp. by Henry V. Besso. Washington: Govt. Ptg. Off., 1947. 88 p. 25¢.

XIII. Honduras, Henry V. Besso, general editor. Washington: Govt. Ptg. Off., 1947. 31 p. 15¢.

Public affairs bulletins (see note above):

No. 51. Educational and cultural relations with foreign countries. Charles A. Quattlebaum. Washington, 1947. 82 p. (processed).

No. 52. State labor relations acts. Agnes M. Brown and Mollie Margolin. Washington, 1947. 70 p. (processed).

No. 53. State aviation laws. Samuel Hutchins Still. Washington, 1947. 235 p. (processed).

No. 54. Universal military training. S. Arthur Devan and Bernard Brodie. Washington, 1947. 90 p. (processed).

No. 55. The atomic bomb and the armed services. Bernard Brodie and Eilene Galloway. Washington, 1947. 177 p. (processed).

No. 56. The world food situation. John Kerr Rose. Washington, 1947. 111 p. (processed).

Office of Inter-American Affairs

History of the Office of the Coördinator of Inter-American Affairs . . . Historical reports on war administration. Washington: Govt. Ptg. Off., 1947. 284 p. charts.

Office of Price Administration

OPA and the public utility commissions. J. A. Bliss. Washington: Govt. Ptg. Off., 1947. 93 p. (Historical reports on war administration . . . no. 5.) 25¢.

President

President's committee on civil rights. To secure these rights: the report. Washington: Govt. Ptg. Off., 1947. 178 p. \$1.00.

President's scientific research board. Science and public policy: v. 1, Program for the

nation, report . . . by John R. Steelman . . . Washington: Govt. Ptg. Off., 1947. 73 p. 20¢. v. 2, Federal research program . . . report to the President by John R. Steelman . . . Washington: Govt. Ptg. Off., 1947. 318 p. 55¢. v. 3, Administration for research . . . John R. Steelman. Washington: Govt. Ptg. Off., 1947. 324 p. 55¢.

Public Buildings Administration

Report of committee on laws and law enforcement. Washington: Govt. Ptg. Off., 1947. 40 p. 15¢. (Model building codes and standards. State-wide building codes.)

Selective Service System

Special monograph—Backgrounds of selective service: Military obligation, the American tradition, compilation of enactments of compulsion from earliest settlements of Original 13 Colonies in 1607 through Articles of Confederation, 1789 . . . pt. 14: Virginia enactments. Washington: Govt. Ptg. Off., 1947., 444 p. il. \$2.75. (v. 1 and v. 2, 1–13, previously listed.)

State Department

The following in the numbered series of State Department publications have appeared; all from the Government Printing Office, 1947.

2886. Fisheries mission, Treaties and other international acts. Series 1624. 3p. 5¢.

2916. Publications of the Department of state, July 1, 1947. 49 p. free.

2932. The second report of the United Nations Atomic energy commission to the security council, Sept. 11, 1947. 106 p. 30¢.

2936. Armaments regulation—how and when. Foreign affairs outline 13. 4p. free.

2948. Guide to the United States and the United Nations. 8p. 10¢.

2949. Sharing "know-how"—an inter-American achievement. 4p. free.

2950. The Geneva charter for an international trade organization: a commentary. 27 p. 15¢.

2952. Committee of European economic coöperation. Vol. II. Technical reports. 552 p.

2954. The U. S. and European recovery. 4 p. free.

2957. 1st report to Congress on assistance to Greece and Turkey, for the period ended September 30, 1947. 53 p. 20¢.

2961. Aspects of current American foreign policy. 60 p. 20¢.

2964. A constitution for world trade. 14 p. 5¢.

2983. Analysis of general agreement on tariffs and trade, signed at Geneva, October 30, 1947. 206 p. 50¢.

2985. First report to Congress on the United States foreign relief program, for the period ended September 30, 1947. 47 p.

2990. The problems of European revival and German and Austrian peace settlements. Address by the secretary of state. 14 p. 5¢.

Strategic Bombing Survey

Morale division. The effect of bombing on health and medical care in Germany. Washington, 1947. 388 p. (processed) \$2.25.

Superintendent of Documents

Supplement to United States government publications, monthly catalog: 1941–1942, 1943–1944. 194 p. [These supplements] list all publications issued during the period January, 1941, to December, 1944, which have been received in the Library of the Public Documents Division, and which have not been listed in any catalog published by the Superintendent of Documents.

Temporary Controls Office

Historical reports on war administration: Price administration office, General Publication 6.: Studies in industrial price control . . . Washington: Govt. Ptg. Off., 1947. 181 p. 35¢.

United States Army Military Government

South Korea, interim government activities. n.p. 1947. 214 p. maps, charts. (mim.)

STATE AND TERRITORIAL**CALIFORNIA**

Joint fact-finding committee on un-American activities. Un-American activities in California. Sacramento, 1947. 403 p.

Joint interim legislative committee on insurance regulation. Report. Sacramento, 1947. 23 p.

State personnel board. Law and rules governing California state civil service. Sacramento, 1947. 129 p. \$1.00.

State reconstruction and reemployment commission. The people design the city. (Santa Rosa.) Sacramento, 1947. 14 p. (Pamphlet no. 13).

Los Angeles. Bureau of budget and efficiency. Organization, administration, and management of the administrative services of the city of Los Angeles: pt. 4. Transportation service. Los Angeles, 300 City Hall, 1947. 42p. (mim.)

Los Angeles, City attorney. Charter of the city of Los Angeles: annotated. Los Angeles, 300 City Hall, 1946. 84 p.

ILLINOIS

Studies in French administrative law, by William Rohkam, jr. and Orville C. Pratt, iv. Urbana. University of Illinois Press, 1947. (Illinois Studies in the social sciences, vol. XXVIII, no. 3).

KANSAS

University of Kansas, Lawrence. Bureau of government research. Governmental agencies, 1861-1946. B. E. Wilder. Lawrence, 1946. 128 p. (Gov't. research no. 4.)

KENTUCKY

University of Kentucky, Lexington. Bureau of government research. Requirements for state social work positions in the South. G. M. Kammerer. Lexington, 1947. 63 p.

MICHIGAN

Detroit. City plan commission. Proposed generalized land use plan: an explanation of a basic plan . . . Detroit 26, 1947. 72 p. (Master plan report no. 5.)

MISSISSIPPI

University of Mississippi, Bureau of public administration. A handbook of elective offices in Mississippi, by Robert Baker Highsaw. University, 1947. 54p. (State administration series, no. 3.)

———The legislative process, a handbook for Mississippi legislators, by Mary Evelyn Blagg. University, 1947. 95 p. (State administration ser., no. 1.)

NEW YORK

Governor. Public papers of Herbert H. Lehman, 49th governor of New York, fourth term. 1941. Albany, 1946. 781 p.

State comptroller. Special report on municipal affairs. Albany, 1947. 404 p. (Legis. doc. no. 70) \$6.00.

New York (City) municipal civil service commission. Rules and regulations . . . September 30, 1947. Frank A. Schafer, comp. New York, 1947. (This volume contains the classification of positions in the classified service of the city.)

OHIO

Bureau of inspection of public offices. Compiled statistics: cities of Ohio, 1945-J. T. Ferguson, Columbus, 1947. 65 p.

PENNSYLVANIA

State College, Institute of local government. Off-street parking in Pennsylvania municipalities. State College, 1947. 53 p. \$1.00.

PUERTO RICO

Planning, urbanizing, and zoning board, Santurce. Plano regulador para el desarrollo de Puerto Rico, lo que es y por qué es necesario. Santurce, 1946. 20 p.

SOUTH DAKOTA

University of South Dakota. Governmental research bureau. Lawmaking in South Dakota. T. C. Geary. Vermillion, 1947. 38 p.

WASHINGTON

University of Washington. Bureau of international relations. Geopolitics and World War II. Seattle, 1947. 40 p. (Bulletin no. 7.)

———*Bureau of public administration.* Community safety: proceedings of the section, safety, 11th annual Institute of Government. Seattle, 1947. 40 p. (mim.)

Seattle. Civil service commission. Salary and wage survey; including recommendations for wage stabilization and control. Seattle, 1947. 2 pts. (processed).

WISCONSIN

Joint interim committee to study county government. Report. Madison, 1947. 22 p.

FOREIGN

AUSTRALIA

Australian news and information bureau, New York. Oliver Wendell Holmes lectures, 1947. H. H. Evatt, Australian foreign minister. Lecture I: The United Nations—its formation at San Francisco. Lecture II: The working of the United Nations. Lecture III: The future of the United Nations. New York, 636 Fifth Avenue, 1947. 22, 27, 23 p. (mim.)

Brisbane. City council. Brisbane statistics, embracing the period from the inception of the Council in 1935 to the end of the financial year 1945-46. Brisbane, Govt. Printer, 1947. 143 p.

AUSTRIA

Justice for Austria: descriptions, documents, and proof of the antecedents and history of the occupation of Austria (from official sources). Vienna, Austrian State Printing House, 1947. 232 p. il.

CANADA

External affairs department. Canada information service. Information sources in Canada. Ottawa, 1947. 42 p. (processed). (Reference paper no. 20).

Montreal, Quebec. City planning department. Parking survey, 1946-47. City Hall, 1947. 39 p. (processed).

CHILE

Senado. E. proyecto de tratado Chileno Argentino; discurso pronunciado en el Senado de la república de Chile por el senador don Fernando Aldunate Errázuriz. Santiago, 1947. 86 p.

Universidad de Chile. Estudio de las reformas constitucionales de la administración Errázuriz Zañartu (1871-1876). Alfredo Meynet Gonzáles. Santiago. 1946. 120 p. (thesis).

COLOMBIA

Ministerio de relaciones exteriores. Revista colombiana de derecho internacional. (Volume 1, number 1, was issued April 15, 1947).

Congreso. Senado. Proyecto de ley "sobre inmigración y emigración" presentado por el honorable senador Rafael Bernal Jiménez . . . Bogotá, Imprenta Nacional, 1947. 70 p.

DOMINICAN REPUBLIC

Oficina de canje y difusión cultural adscrita a la División jurídica y de cooperación intelectual de la Secretaría de relaciones exteriores. Anuario bibliográfico Dominicano, 1946. Ciudad Trujillo, 1947.

Secretaría de estado de la presidencia. La obra político-económico y financiera del presidente Trujillo . . . 1930 a 1936 . . . Ciudad Trujillo, 1947. 31 p.

Secretaría de estado del interior y policía. Dirección general de inmigración. Ley no. 95 de inmigración y reglamento no. 279 de inmigración con todas sus modificaciones . . . Ciudad Trujillo, 1946. 96 p.

FRANCE

Assemblée nationale constituante, 1945-1946. Commission de la constitution. . . . Séances. Paris, 1946. 797 p.

GERMANY

Territory under allied occupation, 1945-. Control council. Enactments and approved papers of the control council and coordinating committee. Allied control authority of Germany. vol. 1-7. 1945-June, 1947. Berlin, Legal Division, Office of Military Government for Germany (U. S.) "Restricted."

———*United States zone. Office of military government. Legal division.* Selected opinions, vol. 1-8, 15 July 1945-30 June 1947. Berlin, 1945-47. "Restricted."

GREAT BRITAIN

Colonial office. Federation of Malaya: summary of revised constitutional proposals. Lond: H. M. S. O., 1947. 20 p. /6. (Cmd. 7171)

Committee of European coöperation. The Marshall plan. General report of the Committee . . . Lond. H. M. S. O., 1947. 86 p. 2/3.

Foreign office. International economic organizations. The transition from war to peace. Lond. H. M. S. O., 1947. 40 p. 1/2.

Information service. The political history of Palestine under British administration

... presented in 1947 to the United Nations special committee on Palestine. 1947. 40 p.

Parliament. Standing committee on Scottish bills. Minutes of proceedings on the town and country planning (Scotland) bill. Lond: H. M. S. O., 1947. 52 p. 1/.

JEWISH AGENCY FOR PALESTINE, NEW YORK

Book of documents submitted to the general assembly of the United Nations, relating to the establishment of the national home for the Jewish people ... New York, 1947. 318 p.

LATVIA

Latvian legation, Washington. Baltic problem and United Nations; facts in review. Washington, Latvian legation, 1947. 64 p. (mim.)

———*Latvia as an independent state.* Alfred Bilmanis. Washington, Latvian Legation, 1947. 417 p. \$5.00.

MEXICO

Facultad nacional de derecho y ciencias sociales. Seminario de derecho. La no intervención y la quiebra de la soberanía nacional. Enrique Aguirre y Fierro Harris. México, 1946. 183 p.

MOROCCO

Moroccan independence movement. Present situation in Morocco: Document no. 1: Information about the French protectorate ... presented to the secretary general and members of the United Nations. New York, October 1947. 32 p, appendices. (mim.). Document no. 2: Information about the Spanish protectorate ... New York, November, 1947. 22 p. (mim.)

EL SALVADOR

Congreso. Gaceta del congreso. San Salvador, 1947. (The first issue, covering February-May, 1947, as a supplement giving wider publicity to the decrees and other acts published in the *Diario Oficial*.)

Ministerio de economía. Deuda pública. Párrafos del informe anual a la Asamblea nacional de diputados ... San Salvador, 1947. 55 p.

SPAIN

Ministerio de justicia. El Ministerio de justicia, notas históricas, organización y competencia. Sr. D. Raimundo Fernández-Cuesta. Madrid, 1946. 531 p.

URUGUAY

Universidad de Montevideo. Facultad de derecho y ciencias sociales. Reconocimiento de gobiernos. Eduardo Jiménez de Aréchaga, jr. Montevideo, 1947. 376 p.

VENEZUELA

Dirección general de estadística. Comentarios al VII censo de población de Venezuela ... Carácas, 1947. 90 p.

VENEZUELA

Ministerio de relaciones interiores. Constitución nacional, promulgada por la Asamblea nacional constituyente el día 5 de julio de 1947. Carácas, Imprenta Nacional, 1947. 68 p.

YUGOSLAVIA

Information officer, Yugoslav embassy, Washington. Speech by Marshall Josip Broz Tito at the Second Congress of the people's front of Yugoslavia, September 27, 1947. Washington, 1947. 19 p. processed.

Poslanstvo. Great Britain. Trieste and the Julian march, the original Yugoslav government memorandum on these subjects and subsequent official statements. London, Yugoslav embassy information office, 1946. 82 p.

Yugoslav delegation, United Nations general assembly. Greece: a vicious circle. Washington, 1947. 16 p.

———The Greek question: a record of facts and documents submitted by Yugoslavia. Washington, 1947. 48 p.

INTERNATIONAL

INTERNATIONAL CONFERENCE OF AMERICAN STATES, NINTH

Program and regulations. Washington, Pan-American Union, 1947. 17 p.

INTERNATIONAL MILITARY TRIBUNAL

Trial of the major war criminals. Nuremberg, Germany, 1947. v. 1-6.

PAN AMERICAN UNION

Le systeme interamericain en marche. Washington, D. C., Pan American Union, 1947. 32 p. (mim.)

Congress and conference series:

52: Final act of the XII Pan American sanitary conference, Carácas, Venezuela, January 12-24, 1947. Washington, Pan American Union, 1947. 36 p. (mim.)

53: Inter-American conference for the maintenance of continental peace and security, Rio de Janeiro, August 15-September 2, 1947. Report on the results of the conference . . . Washington, Pan American Union, 1947. 83 p. (mim.)

UNITED NATIONS

Guide to the United States and the United Nations, revised to September, 1947. Lake Success, N. Y., 1947. 8 p.

Economic and social council. Preparatory committee on the international conference on trade and employment. General agreements on tariffs and trade. (In four volumes). Lake Success, N. Y., 1947.

———Report of the second session. Lake Success, 1947.

Economic and social council. Commission on narcotic drugs. Illicit traffic in narcotic drugs: 1. Review of world traffic from 1 January 1940 to 30 June 1946 . . .

2. World trends during the war, 1939-1945 . . . Lake Success, N. Y., 1947. 60 p.

Economic and social council. Rules of procedure . . . and rules of procedure of functional commissions of the economic and social council . . . Lake Success, N. Y., 1947. 23 p.

General assembly. Official records of the second part of the first session of the general assembly: supplement no. 3: Preliminary report of the temporary sub-commission on economic reconstruction of devastated areas (London, 29 July-13 September 1946). Lake Success, N. Y., 1947. 221 p. (text in English and French). *Public information department, Secretariat.* Yearbook of the United Nations, 1946-47. Lake Success, N. Y., 1947. 991 p. (An indispensable reference and source book.)

OFFICERS OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION

President

Henry R. Spencer
Ohio State University

Vice-Presidents

ESTES KEFAUVER
U.S. House of
Representatives

HANS Kelsen
University of California

ROSCOE C. MARTIN
University of Alabama

Secretary-Treasurer

HARVEY WALKER
Ohio State University

Managing Editor

FREDERIC A. OGG
University of Wisconsin

EXECUTIVE COUNCIL

Above-named officers *ex officio*

RALPH J. BUNCHE
Howard University

ROBERT H. CONNERY
Stanford University

CHARLES MCKINLEY
Reed College

C. PERRY PATTERSON
University of Texas

HAROLD S. QUIGLEY
University of Minnesota

TAYLOR COLE
Duke University

GEORGE A. GRAHAM
Princeton University

LLEWELLYN PFANKUCHEN
University of Wisconsin

JOHN A. VIEG
Pomona College

BELLE ZELLER
Brooklyn College

HAROLD F. ALDERFER
Pennsylvania State College

BEN M. CHERRINGTON
University of Denver

MERLE FAINSON
Harvard University

JOSEPH M. RAY
University of Maryland

JASPER B. SHANNON
University of Kentucky

FORMER PRESIDENTS

FRANK J. GOODNOW

ALBERT SHAW

FREDERIC N. JUDSON

JAMES BRYCE

A. LAWRENCE LOWELL

WOODROW WILSON

SIMEON E. BALDWIN

ALBERT BUSHNELL HART

W. W. WILLOUGHBY

JOHN BASSETT MOORE

ERNST FREUND

JESSE MACY

MUNRO SMITH

HENRY JONES FORD

PAUL S. REINSCH

LEO S. ROWE

WILLIAM A. DUNNING

HARRY A. GARFIELD

JAMES W. GARNER

CHARLES E. MERRIAM

CHARLES A. BEARD

WILLIAM B. MUNRO

JESSE S. REEVES

JOHN A. FAIRLIE

BENJAMIN F. SHAMBAUGH

EDWARD S. CORWIN

WILLIAM F. WILLOUGHBY

ISIDOR LOEB

WALTER J. SHEPARD

FRANCIS W. COKER

ARTHUR N. HOLCOMBE

THOMAS REED POWELL

CLARENCE A. DYKSTRA

CHARLES GROVE HAINES

ROBERT C. BROOKS

FREDERIC A. OGG

WILLIAM ANDERSON

ROBERT E. CUSHMAN

LEONARD D. WHITE

JOHN M. GAUS

WALTER F. DODD

ARTHUR W. MACMAHON

Copies of back issues of the **AMERICAN POLITICAL SCIENCE REVIEW** can be obtained at the following prices: Vol. I-X (1906-1916), \$1.50 per copy, except Feb., May, Aug., Nov. 1907, May 1908, Aug. 1910 and Nov. 1911, which are \$3.00 each. Vols. XI-XXV (1917-1931), \$1.25 per copy, except Feb., Aug. 1917, Nov. 1924, Feb., May, Aug. and Nov. 1925, Feb. 1926, Feb., May and Nov. 1927, Nov. 1928, May, Aug. 1929, May, Nov. 1930, Feb. and Nov. 1931, \$1.50 each; Feb. 1928 and Nov. 1929, \$3.00 each. Vols. XXVI (1932) and following \$1.00 per copy, except Feb. and Apr. 1932, Feb., June, Aug., Oct., Dec. 1934, all issues 1935, 1936, and 1937, Feb., June, Aug. and Dec. 1938, Feb., Apr., June, Aug., Oct. 1939, Apr., Oct., Dec. 1940, Aug. and Dec. 1943, \$1.50 each; Feb. 1940, Feb. 1941, Oct. 1943, Feb., Apr., June 1944, Oct. 1945, Feb., Aug. and Oct. 1946, \$3.00 each. General Index, Vol. I-XX, \$1.00. Complete Volumes XII-XXI, \$5.00 per vol.; prices for other complete volumes furnished on request. Postage extra. Prices are subject to change. Some early issues are no longer available. Address: Harvey Walker, Secretary-Treasurer, American Political Science Association, 100 University Hall, Ohio State University, Columbus, Ohio.

WANTED

Back Issues of the Review

Only copies in good condition will be accepted.

Five dollars will be paid for the November 1906 issue, Vol. I, No. 1.

Fifty cents will be paid for each copy of the following issues: Feb., May, Aug. and Nov. 1907; Feb., May and Nov. 1908; Feb., May, Aug. and Nov. 1909; Aug. 1910; Nov. 1911; Nov. 1931; Feb. 1940; Feb. 1941; Feb., Oct. and Dec. 1943; Feb., Apr. and June 1944; Oct. 1945; Feb., Aug. and Oct. 1946.

Twenty-five cents will be paid for the following issues: Feb. 1917; Feb., May and Nov. 1927; Feb. 1928; May, Aug. and Nov. 1929; Feb. and Dec. 1934; Dec. 1935; Feb., Apr., June, Aug., Oct. and Dec. 1936; Feb. and Oct. 1937; June 1938.

HARVEY WALKER, Secretary-Treasurer
100 University Hall, Ohio State University
Columbus, Ohio

**A new text "that fills a gap in the
fields of comparative government
and international politics"—**

Prof. John Kieffer, University of Alabama

This new book is a clear, comprehensive evaluation of the forces agitating world politics today. In it postwar domestic and foreign problems of more than 33 countries and regions throughout the world are described and analyzed. Today's world problems come alive against a background of yesterday's political experiments and social strivings. This book has been adopted for classroom use by 53 colleges and universities.

- "This book widens the horizon and interpretation of one world"—UN WORLD
- "The most satisfactory text for a college course in Comparative Government that is now available"—K. H. PORTER
U. of Iowa
- Covers events into 1947
- 595 pages, 5½ x 8½"
- Textbook edition \$4.00

GOVERNMENT AND POLITICS ABROAD

*Edited by Joseph S. Roucek, Chairman Department of Political Science and Sociology, Hofstra College; with the collaboration of Floyd A. Cave, San Francisco State College; Wilbert L. Hindman, U. of Southern California; Glenn E. Hoover, Mills College; and Thorsten V. Kalijarvi,
U.S. Library of Congress*

FUNK & WAGNALLS COMPANY • 153 East 24th Street, N.Y. 10

Columbia Books

THE PATTERN OF IMPERIALISM

A Study in the Theories of Power

E. M. WINSLOW

The central theme of this book is that modern imperialism is not economic or capitalistic in origin, but represents such an old and powerful behavior pattern that it is able to dominate any economic system, capitalist or collectivist. The logical end of the modern trend, the author says, is complete domination of the world by one power. \$3.75

THE SHAPING OF THE AMERICAN TRADITION

Louis M. Hacker

A monumental addition to the literature of social science. Selections from over 200 documents of American history, each prefaced by critical evaluations from the pen of Professor Hacker, show the evolution of an American attitude and an American civilization.

2 volumes, boxed, \$10.00

1 volume text edition, \$6.00

The Process and Organization of Government Planning

JOHN D. MILLETT

The first attempt at a systematic presentation of planning as a vital phase of government administration.

\$2.50

Voting Procedures in International Organizations

WELLINGTON KOO, JR.

Much of the material in this volume is taken from Dr. Koo's private records at

San Francisco.

\$4.00

THE POETRY OF HISTORY

Emery Neff

This account of historical writing from Voltaire to Toynbee shows how its spirit, form, and content have been affected not only by literature and literary scholarship but also by political events and changes in science and industry. \$3.50

COLUMBIA UNIVERSITY PRESS

• New York 27, N.Y.

Important McGraw-Hill Books

THE AMERICAN SYSTEM OF GOVERNMENT

By JOHN H. FERGUSON, The Pennsylvania State College, and DEAN E. MCHENRY, The University of California, Los Angeles. *McGraw-Hill Series in Political Science.*

930 pages, \$4.50

This postwar college text covers the essential features of the American system of government at all levels—national, state, and local. The authors offer timely treatments of foreign relations and the United Nations; federal powers; federally owned and operated enterprises; compulsory military training; and control of atomic energy.

THE AMERICAN FEDERAL GOVERNMENT

By JOHN H. FERGUSON and DEAN E. MCHENRY. *McGraw-Hill Series in Political Science.* 818 pages, \$3.75

Consists of those sections of *The American System of Government* which deal with the federal government.

STATES AND MORALS A Study in Political Conflicts.

By THOMAS D. WELDON, Fellow of Magdalen College, Oxford. 302 pages, \$3.00
A stimulating and illuminating book, discussing political theories from Aristotle to Marx and reveals the moral basis of the conflict between the state and the individual in internal politics. At the same time the author clarifies the fundamental points of difference in international politics between the various types of modern state.

GERMAN THEORIES OF THE CORPORATIVE STATE

By RALPH BOWEN, Columbia University. 235 pages, \$2.75

A penetrating study of German corporatist doctrines and their proponents—Fichte, Müller, Hegel, Gerlach, Gierke—which prefaced the three major theories, Social Catholicism, Monarchical Socialism, and German Collective Economy.

INTERNATIONAL POLITICS, The Western State System in Transition

By FREDERICK L. SCHUMAN, Williams College. Third edition. 733 pages, \$4.50

This well-known and widely-used text analyzes the current world scene and incorporates the author's intensive research into the background and course of World War II. The book is exceptionally readable, and is noted for its graphic presentation, incisive analysis, and accurate forecasting of things to come.

Send for copies on approval

McGRAW-HILL BOOK COMPANY, Inc.

INTERNATIONAL GOVERNMENT

Revised Edition

By CLYDE EAGLETON,

New York University

This book combines into one course the fundamental but not too technical principles of international law, and the institutions, organization, and problems of international society. In this way it provides a survey of international relationships which is comprehensive and constructive, but which does not wander too far afield. This study is limited to what may be called the governmental aspects of international life, and does not deal with economic, psychological, or other such factors behind the scenes. 575 pages, **\$5.00**

THE ADMINISTRATIVE STATE

*A Study of the Theory of
American Public
Administration*

By DWIGHT WALDO,

University of California

Here is a work which seeks to bridge the gap between studies of political theory and public administration. The objective is the interpretation of the development of public administration from the viewpoint of political philosophy. The author examines the public administration movement in the perspective of American history to interpret it in terms of its context of institutional development, material setting, and currents of thought. Here is delineated the development of public administration as a body of doctrine that brings out both the important men and movements. 227 pages, **\$3.25**

DEMOCRACY

*The Threshold of
Freedom*

By HAROLD F. GOSNELL,

*Special Consultant, formerly of
the University of Chicago*

This book appraises objectively two important democratic institutions in terms of how they actually work. The first is concerned with the operation of suffrage and the second with the workings of representative government. The data gathered here has been systematically analyzed so that institutions may be judged more accurately. The author believes that government is not necessarily an art and that much of it, if not all, may be made scientific. 323 pages, **\$4.00**

PUBLIC ADMINISTRATION

By JOHN M. PFIFFNER,

*University of Southern
California*

This recently revised edition is an up-to-the-minute analysis of practical operation of public administration, focusing the extensive experience of the author on the functional approach to the study of municipal, state and national government. Careful consideration is given to all of the new developments in the field, with more thorough discussion of many subjects which were sketchily treated in the first edition.

621 pages, **\$5.00**

THE RONALD PRESS COMPANY

IN APRIL 1948

PRINCIPLES AND FUNCTIONS OF GOVERNMENT IN THE UNITED STATES

Edited by

Professor W. Leon Godshall, Lehigh University

This text was designed for a basic course in American National and State Government. It has a distinctive modern approach because the authors have combined the functional perspective with a sound structural analysis stressing the fundamentals of American government.

CONTENTS:

Part I. Foundations: The Study of Government . . . E. B. Shultz, Lehigh University; The Theory of the State . . . E. B. Shultz; Distinctive Governmental Systems . . . E. B. Shultz; The Beginnings of Government in the United States . . . L. H. Gipson and G. D. Harmon of Lehigh University.

Part II. Fundamental Principles: A Written Constitution . . . G. D. Harmon, Lehigh University; Territorial Distribution of Powers in a Federal System . . . L. W. Lancaster, University of Nebraska; An Independent Judiciary and Judicial Review . . . W. L. Godshall, Lehigh University; Limited Powers of Government . . . W. L. Godshall; Representative Government: Congress . . . L. W. Lancaster; Representative Government: The Improvement of Congress . . . L. W. Lancaster; Separation of Powers and the Presidency . . . L. W. Lancaster.

Part III. Instruments of Political Power: Immigration and Citizenship . . . H. F. Alderfer, Pennsylvania State College; National Suffrage and Elections . . . H. F. Alderfer; The National Party System . . . H. F. Alderfer; Pressure Groups . . . H. F. Alderfer.

Part IV. The National Administration: Public Administration . . . W. H. Edwards, Brockport State Teachers College; The Federal Civil Service . . . W. L. Godshall.

Part V. National Functions: Foreign Policy and Control . . . W. L. Godshall; National Defense . . . W. L. Godshall; Territories: The District of Columbia; The American Indian . . . W. L. Godshall; Raising National Revenue . . . J. H. Leek, University of Oklahoma; National Ex-

penditures and the Federal Debt . . . P. S. Sikes, Indiana University; National Currency . . . J. H. Leek; Foreign and Interstate Commerce . . . J. H. Leek; National Regulation of Business and Industry . . . J. H. Leek; National Regulation of Labor . . . J. H. Leek; National Aid to Agriculture . . . J. B. Bennett, United States Department of Interior; National Conservation . . . J. B. Bennett; Range and Variety of Federal Services . . . J. E. Stoner, Indiana University; Recent Trends in the National Government . . . L. W. Lancaster.

Part VI. The States in the Nation: The Position of the States in the Union . . . L. W. Lancaster; State Political Parties and Elections . . . H. F. Alderfer.

Part VII. State Government: Evolution of State Constitutions . . . D. W. Knepper, University of Houston; The State Legislature . . . D. W. Knepper; The Governor . . . D. W. Knepper; State Administration and Civil Service . . . W. H. Edwards; The State Judicial System . . . W. L. Godshall; State Finance . . . P. S. Sikes; The State Police Power . . . J. H. Leek; State Regulation of Business and Industry . . . W. B. Graves, Library of Congress; Economic and Social Functions of the States . . . W. B. Graves.

Part VIII. Local Government: Counties, Townships, and Special Districts . . . E. B. Shultz; The Relations Between Local, State, and Federal Government . . . E. B. Shultz.

Part IX. Conclusion: The American Philosophy of Government . . . E. P. Chase, Lafayette College.

Approximately 1000 pp. Cloth Illustrated
Probable price \$5.00

Write for an examination copy

D. VAN NOSTRAND COMPANY, INC.
250 FOURTH AVENUE, NEW YORK 3, N.Y.

*An invaluable
reference book for
public administrators*

U. S. Naval Logistics in World War II

By DUNCAN S. BALLANTINE

THIS is a concise and critical history. It was written with the advantage of unlimited access to official sources but with no official check on the author's searching mind and investigative spirit. It will prove of intense interest to many kinds of readers besides those with a formal interest in naval administration, and will be of special value to students of government planning, procurement, organization, and inter-service cooperation. \$3.75

At your bookstore
PRINCETON



UNIVERSITY PRESS
Princeton, N.J.

The Record of American Diplomacy

Documents and Readings in the History of American
Foreign Relations

edited by RUHL J. BARTLETT, *Tufts College*

THIS unique source book contains over 300 selections from important American documents which show the development of American foreign policy from colonial times to the present. Included are instructions to American envoys abroad and to foreign envoys in the United States, letters to and from diplomats, debates, speeches, excerpts from diaries and memoirs, newspaper articles, treaties and conventions. "The documents have been judiciously selected, carefully edited and clearly arranged; and this volume should become an indispensable guide for the student of foreign affairs."—GORDON A. CRAIG, *New York Times*

744 pages, \$6.00 net, \$4.50 text

Soviet Politics

At Home and Abroad

FREDERICK L. SCHUMAN, *Williams College*

"A FAIR and suggestive attempt to explain the greatest political event of our time. . . . It is an honest, provocative, important book on Russia, and this is something rare . . . highly readable. It will irritate those who have already enlisted wholly for or wholly against Soviet Russia and Communism."—JOSEPH BARNES, *New York Herald Tribune*

707 pages, \$5.00 net, \$3.75 text

American Political Parties

Their Natural History

WILFRED E. BINKLEY, *Ohio Northern University*

HERE is a fresh interpretation of the origin and make-up of our major political parties and the roles of national political leaders in building these powerful groups. "An excellent book. It represents the latest scholarship. It displays discernment all along."—CHARLES A. BEARD

443 pages, \$4.00 net, \$3.00 text

Examination copies available on request

College Department
ALFRED A. KNOPF

501 Madison Avenue
NEW YORK · N.Y.



Now in production

Basic Constitutional Cases

By *C. Gordon Post*

Frances P. DeLancy

Fredryc R. Darby

All of Vassar College

THIS collection is designed to provide an introduction to Supreme Court cases and to give an understanding and appreciation of the significance of courts and case-law in the American system of government, and will supplement the usual basic text on the government of the United States. The editors have grouped selected cases under subjects dealing with the Constitution, and have provided each with an introductory note.

CONTENTS INCLUDE: The Development of the Constitution. National Supremacy and the Implied Powers. The Constitutional Position of the States. Federal-State Relations. Citizenship and Aliens. Civil Rights. The Suffrage. The Power of Congress to Investigate. The President's Removal Power. The Currency. Interstate Commerce. Agriculture. Government and Labor. Social Security. Foreign Relations. National Defense. Military and Civilian Mobilization in Wartime. Territories and Dependencies.

Scheduled for April Publication

Oxford University Press

114 FIFTH AVENUE, NEW YORK 11

"The best text now in the field."—*David B. Truman,*
Harvard University

ELEMENTS OF PUBLIC ADMINISTRATION

By *F. Morstein Marx* and co-authors

Fourteen recognized authorities have combined their knowledge and experience to give the student a broad new approach to government functions in this text. It shows how public administration affects contemporary American society and is affected by that society. Note these outstanding features—

- **Emphasizes pragmatic approach**— questions numerous generalizations found in other texts.
- **Covers the whole field**— shows the inter-relation of administration and the legislative, judicial and executive branches of the government.
- **Emphasizes human factor**— highlights the need for better understanding in all social relationships.
- **Gives new insight** into the importance of administration in formulating policy and reconciling diverse interests in a democracy.
- **Explains the "dynamics of democracy"** as a process of organizing public opinion to support a policy, and the machinery to carry it out.

Note what leading professors say about this "different" text:—

"An excellent book that clearly portrays the administrative procedure in the government."—*William R. Spriegel, Northwestern University*

"Well planned; excellent team of collaborators."— *Carroll Quigley, Georgetown University*

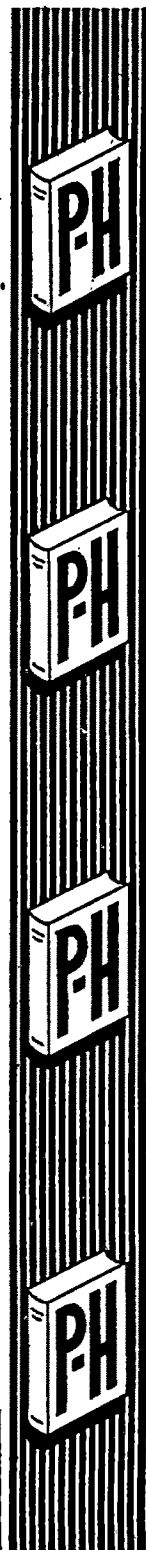
"Book has been needed for a long time."—*Thomas J. Hickey, U. S. Department of Agriculture Graduate School*

"Very good. Viewpoints of experts in particular phases are an advantage over the usual text."— *Paul C. Bartholomew, University of Notre Dame.*

637 pages 6" x 9"

Send for your examination copy today!

PRENTICE-HALL, INC., 70 FIFTH AVENUE
NEW YORK 11, N. Y.



ADMINISTRATIVE REFLECTIONS FROM WORLD WAR II

LUTHER GULICK, President, Institute of Public Administration

An analysis of the maze of Washington agencies which administered the complex details of America's participation in World War II by a participant in the organization and reorganization of many of the agencies.

Dr. Gulick, a distinguished student and practitioner of public administration, brilliantly describes and evaluates the administrative devices planned and improvised to meet the unprecedented needs of a government engaged in world-wide war.

136 pp. \$2.50

REFLECTIONS ON PUBLIC ADMINISTRATION

JOHN M. GAUS, Professor of Political Science, University of Wisconsin

"... Required reading by all public administration students."

The Annals of the American Academy

153 pp. \$2.00

NEW HORIZONS IN PUBLIC ADMINISTRATION

A Symposium

"Provocative discussions of significant aspects of public management are presented in these six essays by leading American scholars in administration."

145 pp. \$2.00

U. S. Quarterly Book List

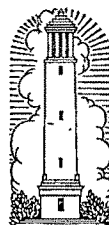
NEW FARM HOMES FOR OLD

RUPERT B. VANCE and GORDON W. BLACKWELL

Institute for Research in Social Science, University of North Carolina

245 pp. \$3.00

UNIVERSITY OF ALABAMA PRESS
UNIVERSITY, ALABAMA



CURRENT READINGS ON INTERNATIONAL RELATIONS

Prepared by

INTERNATIONAL RELATIONS DIVISION
DEPARTMENT OF ECONOMICS AND SOCIAL SCIENCE
MASSACHUSETTS INSTITUTE OF TECHNOLOGY

No. 3	WINTER-SPRING 1948	\$1.50 per Copy
-------	--------------------	-----------------

The third volume of this widely used collection of supplementary readings for university courses on international relations and round-table discussion groups contains a selection of articles and documents from a broad range of American, British, and foreign sources; 320 pages of materials bearing on national security in the atomic age, international economic relations, international organization, regional developments, problems of peacemaking. It includes extensive treatment of the American foreign-aid program, also recent activities of the U.N. There are four specially prepared maps.

Volumes 1 and 2 are available at \$1.50 each

Write for subscription information

Published Semiannually

ADDISON-WESLEY PRESS INC., Kendall Sq., Cambridge 42, Mass.

Standard Macmillan Texts

GOVERNMENT OF CITIES IN THE UNITED STATES

By Harold Zink

*Hall Professor of Political Science,
De Pauw University*

A full and realistic explanation of every aspect of city government.

This book gives a complete description of how city government functions in the United States today, explaining the different ways in which municipal government is set up, its legal status, its political, financial and administrative relationships to state and national government, the sources of its revenues, the structure and operation of city politics and the organization for and administration of city services.

636 pages \$4.50

INTRODUCTION TO THE STUDY OF PUBLIC ADMINISTRATION

By Leonard D. White

*Professor of Public Administration
University of Chicago*

*A thorough discussion of the American system of public
administration.*

This carefully revised volume presents a careful treatment of contemporary problems and trends in public administration such as government corporations, independent regulatory commissions, overhead management, career service, public service employer unions, and training for the public service.

Revised Edition. 611 pages \$4.50

THE MACMILLAN COMPANY · New York 11

The American Political Science Review

VOL. XLII

APRIL, 1948

NO. 2

NEGLECTED ASPECTS OF POLITICAL SCIENCE*

CHARLES A. BEARD

New Milford, Connecticut

Since our Association was founded more than forty years ago, many things have happened under the head of political science. Men and women as political animals have supplied scholars with new data sufficient in volume and variety to satisfy the most exacting minds in the profession. At our annual sessions, numerous learned papers have been read and discussed. At our universities, new courses of studies have flowered luxuriantly. From the workshops of the guild, books and articles have poured forth in a copious stream. Several of our members have achieved distinction, indeed renown, in the public services; while, as far as I can discover, none has been sent to prison under the presidential decree of 1947 against that type of lawful dissent stigmatized as subversive activity. As if in testimony to our good works, it should be added that the amount of money now laid out per annum for political science is many times the sum expended long ago when we were young.

It might seem, then, an act of temerity even to suggest that anything under the sun has been neglected or less than perfectly disposed of in our golden age, our best of promised lands. Undoubtedly it is temerarious for one like myself, with eyes full of beams, to raise questions about stray motes in the eyes of members who may be properly satisfied with their accomplishments. Yet, on the other hand, there is some authority in our tradition and methodology, no less than in the practice of free enterprise, for occasional surveys or audits designed to find out whether in fact our liabilities are fully covered by assets, fixed and liquid. At all events, under color

* An address delivered before the American Political Science Association at Washington, D. C., December 29, 1947.

of this authority I venture to enumerate a few odds and ends which may prove useful to truly competent auditors when, as, and if a final balance sheet is drawn up for St. Peter's information on judgment day.

Before descending into particulars, I may be pardoned a reference to a deficiency in operating theory. I put it first for the reason that in my opinion it has the most pertinence to the quality, soundness, and endurance of the work we do. Indeed this deficiency may and often does lead to a complete default in the choice of topics for research, in the formulation of answerable questions, and in drawing alleged conclusions from descriptions and tabulations. It is, to be brief, our general disregard of the primary truth that in thinking and writing about government or any aspect thereof all of us necessarily proceed upon some presupposed and controlling theory of knowledge, certainty, probability, possibility, and conviction. The theory may be dim or clear, but it is there in the mind as a directing force.

It would ill become me to hint that any of the great masters under whom as a youth I had the privilege of studying in any way failed to discharge their duties. They did, I am sure, the best they could with the raw material supplied to them by Nature or Providence, but they did not impress upon me with adequate energy this primary truth concerning our intellectual operations in thinking and writing about government. Perhaps in youth there is a robust impatience with the exploration of preliminary theories, coupled with a certain eagerness to jump at once into the middle of things, tell the long-suffering world what it needs to know, and provide it with remedies for its patent ills. Such impatience and eagerness are, of course, not peculiar to youth. They appear also in minds supposed to be mature and are then often accompanied by an arrogance that mistakes personal opinions for divine revelations. At all events, I was slow in taking up systematically and zealously the exploration of theories of knowledge.

If the arrogance that mistakes opinions for divine revelations had been confined entirely to myself between 1895 and the present time, I should not feel at liberty to bring up here a matter so purely personal. But I no longer feel alone in this respect. Since I shed my academic frock thirty years ago, I have spent spacious days and evenings in reading the works of my learned contemporaries and the speeches of politicians engaged in ruling us, and I have found

traces of this arrogance spread far and wide over the world. Hence what might otherwise appear purely personal acquires a relevance to the theory and practice of government in the large.

Without going into my efforts at self-education in theories of knowledge, certainty, probability, possibility, and conviction, I shall simply mention two works, among many, which have been especially helpful to me in trying to get at the validity of what we are told by our rulers and instructors and in struggling to differentiate between knowledge and moral overstrain.

The first of these works is E. W. Hobson's *The Domain of Natural Science* (1924). Therein appears a calm and thoughtful treatment of our universe and the powers and limitations of the natural sciences, without resort to metaphysics or theology. Though highly technical in part, it is so clearly, humbly, and beautifully written that even scientists and theologians might learn something from it.

The other work is Hans Vaihinger's *The Philosophy of "As If,"* translated from the German in 1925. Therein appears an informing examination of the basic assumptions in intellectual procedures of many kinds. Therein appears also a wholesome warning to all of us against the deadly peril that immediately besets us when thought is separated from action and theoretical thinking is made an end in itself—the horrible results of which were described long ago by Erasmus in a volume still amusing and instructive: *In Praise of Folly*.

As a result of much study and reflection, I have come to the conviction that we have no justification whatever for regarding our universe as a unified process under law and hence reducible to an exact science, either physical or political; and still less justification for supposing that, given the nature of our minds, we can grasp the scheme of things entire in its three-dimensional fullness.

The operating theory of what confronts us, at which I have now arrived, is ancient and simple. I see in political affairs three probabilities of high degree and the demiurgic personality that makes history within limits.

One probability is necessity, or determinism; for instance, the necessity that makes the use of the English language unavoidable in American courts of law, with many things thereby inexorably implied. The second is fortune, chance, contingency, conjuncture—the situation in which it doth seem that by human action, creative

or destructive or both, affairs may be given a radical turn one way or another. The third is the living force of the human being—man and woman—at work within the limits of necessity, struggling for some kind of self-expression.

Keen is the mind that can discover the nature and limits of necessity in human affairs. Yet if there were no necessity, all would be chaos, in which the consequences of human action would be incalculable; for instance, the immediate results of legislation and administration would be simply unpredictable. No less keen is the mind that can discern the nature and possibilities of any conjuncture, and no less keen the mind that can grasp and gauge the power of the living force in human beings expressed in choices and actions.

The demiurgic personality that often emerges in an assumed or obvious or created contingency is the unique figure which stands out above others at the time and is highly instrumental in driving a given society, or indeed several societies, into a new and strange course; Cæsar, Cromwell, Washington, and Napoleon, for example. The emergence of such a personality at a particular moment has the semblance of fortuity. For, it is a well established fact that many historic crises have ended in the destruction of societies and governments, and hence it cannot be taken as certain that every crisis will produce its appropriate savior who brings peace of mind and due satisfaction to all deserving people. As Marxians may well remember, the *Communist Manifesto* teaches that class fights may end in a reconstruction of society or in a destruction of the contending parties. Moreover, what seems to be salvation for a season may at length turn out to be a mere social paroxysm prior to death and extinction.

Each personality of this general class is unique, as is in fact the conjuncture itself. With uniqueness, factual analysis can do little. History may, it is true, describe with a high degree of accuracy the circumstances which made possible the functioning of a demiurgic personality at a given time; but neither history nor political science has yet sprung the secret of the hero, leader, demagogue, or tyrant in the conjuncture. Although rumors are afloat to the effect that psychiatrists have turned the trick without the benefit of historical or political knowledge, confirmation of these rumors had not reached the backward parts of Connecticut as of Christmas day.

With those manifestations of our political world which are in the nature of necessity, the science of observation, numerical assign-

ment, tabulation, computation, deduction, and description can achieve results of the highest value for theory and practice. In this area, the hypothesis, so effective in physical science, may be safely employed; for the hypothesis is a proposition that can be proved true or false by observation or experimentation, at least temporarily and while other things remain the same. In this area also the number of projects that can be undertaken has no discernible limits. Yet all such manifestations are in part conditioned and in part determined by what happens in and to the larger context of society always in processes of change.

It is here that our intellectual troubles begin. We cannot grasp the whole scheme of things in its three-dimensional fullness. When we treat any part or phase of the scheme, we arbitrarily sever, in thought only, that part or phase from its conditioning and determining context and thus arrive at less than the whole truth in the case, for either theory or practice. It follows then that our principal instrument of cogitation in political science is a construct or symbol which represents only a portion or phase of the whole at best. To this operating construct or symbol, Vaihinger gives the technical name of fiction. When we refer to the economic man, the political animal, the national interest, world affairs, the executive power, and liberty-loving nations, we are employing fictions for the purpose of convenience. They are partial truths at most and fantastic delusions at worst. If taken as absolutely true, the fiction may become an ideology and the progenitor of brutal dogmatism or barbaric action. If well grounded in substantial knowledge, safeguarded by discerning judgment, and used with awareness of its nature and limitations, the fiction may be a powerful agency of research and thinking. If otherwise employed, it may fill giddy minds with absurdities. At any rate, it is the principal instrument for intellectual operations of a constructive nature in political science.

No doubt some tribulations and dangers may arise from the use of the technical word "fiction" with reference to speeches and works on government. Thoughtless persons might imagine that thereby our beautiful science is being affiliated with a modern branch of popular literature, illustrated by *Forever Amber*. Still worse. Suppose it became generally known in Congress, the White House, and other high places that any professors of political science regarded all solemn addresses and state papers as fictional in nature, that is, as embracing less than the whole and final truth of

particular matters. What would happen? It is likely that the orators and authors, genuine and ghost, would break the bonds of constitutional limitations.

As if aware of these perils, many of our colleagues and contemporaries make use of the word "problem" instead of fiction, thus insinuating that some phases of public business have not been definitely settled by fiat from Mount Olympus. The frequency with which the term "problem" occurs in present writings and disquisitions seems indicative of this mood. Thick as autumn leaves are reports of books and conferences on "problems of capital and labor," "the woman problem," "problems of international trade," "problems of permanent peace," and so forth without end.

Such problems are, of course, merely fictions created by busy and imaginative minds—usually with "the correct answers" rendered implicit, if not explicit, by the very terms of the respective formulations. This is a feature of our intellectual prestidigitation which has been grievously neglected, in my opinion. The human mind seems able to ask a million questions which only Omniscience can answer and to devise so-called problems that are utterly beyond solution by any operations known to mortals. Nevertheless a lot of people apparently believe that their moral and mental stature is to be measured by the magnitude of the problems they formulate and the magnificence of the assurance with which they offer pleasing solutions. In my way of thinking, "problem" is a word to be avoided in political science, and the term fiction should be substituted for it as a kind of public advertisement that our books and articles seldom, if ever, box the compass of universal knowledge and wisdom. So much for my fragments on preliminary theories.

If an Irish bull were admissible in such a peaceful assembly, I might open my main discourse by saying that the most neglected aspect of government is government itself, as a whole, as a going-concern, far-going in the centuries, in all its branches and ramifications, in its foundations and sustaining forces—economic, moral, and intellectual. This point, however, I shall merely emphasize by asking a question: Has any work conceived in such fullness and spirit been published in the United States, or indeed anywhere else, since the establishment of the American Political Science Association at the beginning of this century?

With few exceptions, current books and articles on government strike me as shallow, in the sense that they purport to describe po-

litical theories, institutions, and practices floating around loosely on the surface of today or the imaginations of tomorrow. They have little or no time-depth; nor are they marked by an awareness of a long future—a future far beyond the tumult, shouting, and illusions of the hour. Having watched, for about twenty thousand days, mighty men and mighty events shoot up into the headlines of newspapers and the pages of weighty treatises and then sink with varying degrees of rapidity into the shadows, if not oblivion, I now suspect all thunderous judgments grounded in a mere memory of ten days or even ten years.

Over our writings on government—both academic and popular—hangs an air of unreality and formalism, despite the number of sheep in lion's clothing engaged in emulating Jove. It appears to be out of style, if not indecent, to apply persistently and without respect to personalities, parties, or factions what John Morley calls "the Socratic elenchus, or any other engine of criticism, skepticism, or verification" to current assurances, dogmas, and bigotries.

The curious ceremonials of our party politics lend countenance to this superficiality and this positive distaste for using engines of verification on cherished contentions and alarms. Almost daily we hear leaders of the Democratic party, which embraces about forty per cent of the voters, denouncing Republicans as incompetent to govern the country, to say nothing of managing the world; and at the same time we hear leaders of the Republican party, which includes about the same proportion of the electorate, paying Democrats back in their own coin. Outside the charmed circle of these major parties are roughly twenty per cent of the voters who entertain grave doubts respecting the integrity and competence of both Democrats and Republicans and are in turn denounced as crackpots and subversives. Yet on ceremonial occasions, the hottest of these partisans can speak without a smile, indeed with the confidence of infallibility, on the inspired competence of the American people for self-government and the moral leadership of the world.

The only remedy I can imagine for such ritualistic fantasies is the development and inculcation of a strong historical sense. Such a sense deeply rooted in the public mind would make it impossible for politicians and writers to assume with safety that nothing said, promised, or done yesterday will be remembered today or ever be recalled in the pages of history. I see no hope whatever in the reci-

tation of sociological or psychological phrases as a hedge against the complete loss of memory.

Were I called upon to assign weights to our neglects in detail, I should be inclined to reply that the greatest is our general indifference to foreign affairs and war. Here I make a distinction, for more than convenience, between foreign affairs and foreign policy. American foreign policy consists of official declarations setting forth the principles that are supposed to guide the United States in its relations with foreign governments. Foreign affairs, on the other hand, consist of things done to or with foreign governments, presumably in fulfilment of announced policy. Of books and articles on policy we have a huge supply, if not a surfeit; while with respect to the realities of diplomatic practice we are like unto people who sit in the gloaming, if not in utter darkness.

Relatively speaking, foreign policy is an easy branch of study, at least in its major aspects. Pronouncements on policy are proclaimed from the house-tops by officials, with special reference to election returns and the hyphen-vote; and these declarations, incorporated in documents, are available to all literate persons, even those not in good standing with the White House, the Department of State, the National Military Establishment, and members of Congress. Anybody able to read and write can copy extracts from these documents, paste them together, make comparisons and contrasts, and issue big books on the subject, bearing all the signs of scholarship, including footnotes. Accordingly we have not only huge works on official plans and policies for the direction of foreign affairs and the world; we also have digests of such plans and policies for ready use in debating societies and elementary schools.

Nor does there seem to be any danger that this aspect of government will be slighted, at least in the near future; for the study of it is deliberately subsidized in our institutions of learning by funds derived from foundations established for propaganda purposes. Indeed the business of expounding and writing commentaries on projects for ordering up the world and its several parts on correct principles has become a heavy industry in academic circles; and those who engage in it zealously can count on rewards and applause.

On the other hand, the pursuit of knowledge about foreign affairs, in this age of open diplomacy, has become an aleatory, if not a dangerous, trade. Numerous fateful actions and commitments of the United States Government in recent years have not been re-

corded or, if recorded, have been buried in archives closed to everybody except officials and favorites of the Administration in power. Again and again the White House and the State Department have made available to their approved writers secret information which, if safe to reveal at all in the public interest, should have been issued as official documents for the use of everybody concerned. Furthermore, high authorities in Washington have allowed journalists to make money out of publishing such information.

This is only a small part of the story. Retiring officials, as private persons, have carried off official papers or digests of official papers containing vital secrets; and for their own satisfaction if not glory, they have published such parts as they, in their own wisdom, have deemed it fitting for the public to buy and read. Only a few months ago, a retired official who had told one story in 1941 gave a contradictory version of it in 1947 in a popular magazine (at a price) and blandly announced that he was then publishing "for the first time" a part of a top secret paper from a collection which, if opened at all, should have been opened to the public. Still more recently we have witnessed the strange spectacle of an Undersecretary of State, retired, denying the truth of a statement by a Secretary of State, retired, based on papers or notes which he had carried off as a private citizen on his retirement. Verily, the way of the student of foreign affairs, especially if he is stiff in the knees, is hard and leads to the peril of battle and sudden death.

As for our neglect of war—a form of and intimate associate of foreign affairs—it has been even greater, although the materials for the study of the subject are more abundantly available. The reasons for this oversight are various. One of them is the supposedly moral concept of ourselves as "a peace-loving people." Any professor who challenges the truth of it is likely to be treated as a rude and wanton disturber of a prayer-meeting.

But the challenge has been made more than once. Nearly twenty years ago, a high authority on war and peace, after speaking of successive wars in Western Europe, remarked: "We can't say much better for ourselves, can we? The Revolution, the so-called war with France in 1800, the War of 1812, the Mexican War in 1848, the War between the States in the Sixties, the Spanish-American War in 1898, and the World War in 1917. Yes, we are a very peace-loving people, aren't we?" The high authority who expressed these doubts about our pacific proclivities was Franklin D. Roose-

velt. He did it publicly in 1928, and since that year history has added a new and bigger war to his list. Nevertheless, the idea that we are a peace-loving people prevails widely in the United States and war is treated, not as a primary datum of American political history, marked by some of the certainty that characterizes death and taxes, but as a wicked practice forced upon us, much to our indignation, by aggressive foreigners and then waged by us only for enduring peace, world democracy, and the rights of oppressed peoples.

Our neglects in the sphere of domestic affairs, I shall refrain from mentioning. Whoever dwells upon them now is more than likely to be charged with indifference to our world obligations. Besides, the United States has come, in its mid-passage, to the point at which the exigencies of foreign commitments and preparedness for the next war have acquired a terrific preponderance over domestic requirements, whatever they may be. Already we have been impressively informed by high officials of the Government, as well as by spokesmen of exporting interests, that unless large and expanding outlets for American goods are provided abroad by public spending, lending, and giving, another calamity akin to that which fell upon the country in 1929, but far more direful, will bring our economy down in a crash. For this broad statement full warrant is to be found in that treasury of prose and poetry, the *Congressional Record* for the calendar year 1947.

Perhaps the crash will come anyhow, no matter what is done in the way of lending, spending, and giving in Europe and Asia. But in the meantime, the generally and passionately accepted hope for keeping capitalists busy, industrial workers fully employed, and farmers reasonably contented appears to lie in the manipulation of trade and credits abroad, and not in domestic measures for the stimulus of incentives and the distribution of wealth at home.

Having followed for fifty years changes in the emphasis given to aspects of government by American writers and the perduring thinness of our thinking, I have often wondered about the reasons for the shifting weights and glaring inadequacies of our several studies in the general run of things. I have found no satisfactory answers to my inquiries, but I think that many of our neglects, overstresses, and superficialities are due to the divorce of political science from history and the almost frantic specialization in university education, journalism, and other professional pursuits.

Although this specialization, in which present interests and excitements are divorced from time, has increased knowledge respecting particular matters, its tendency is, in the nature of things, to restrict the vision, narrow thought, sever all branches of learning from their living sources, and, in the words of A. N. Whitehead, "trivialize the mentality of the teaching profession." Yet powerful forces called practical serve to strengthen rather than diminish its drive in the direction of moral and intellectual disorder. Our faith in a commission of experts is among the wonders of the universe—especially if the commission has been properly "streamlined" by over-all "know-how."

Is it possible for us to reduce, if not break, the tyranny of specialization and alleged expertness over the human spirit and enlarge the power of informed and discerning judgment in the study and conduct of public affairs? I am by no means sure, but it has occurred to me that a few simple practices or exercises might be helpful. We could consider more carefully than hitherto our operating assumptions and daily remember the probability that we may be less than omniscient, despite the number of facts and opinions in our heads and filing cases. We could, by deliberate resolve, widen our observation of life and deepen our study of the human forces that underlie and come to expression in government as a phase of life. Every morning we could put away the horrible temptation to take pride in what we have thus far done and by turning in upon our cherished conceits perhaps curtail their virulence, thereby expanding the circle of friendship. We might contribute a little to the advancement of learning and good will among peoples by trying to see ourselves as other nations see us, to think of them as far as possible in terms of their thought of themselves, and to get rid of the insidious idea that the United States has been designated by God as a kind of cosmic committee for the Americanization of mankind and the final revision of universal history. Such daily exercises, it seems to me, are within the realm of possibility.

At the very least, we could strive to make our political science three-dimensional, instead of superficial and abstract, by anchoring it and every part of it in the substance, concreteness, sweep, and thought of great history—a powerful corrective for the despotism of sentimental abstractions cut off from the one penetrating question to which some answers may be found: who, what, where, and when? At the time our Association was being formed more than

forty years ago, my esteemed master, John William Burgess, deplored the divorce of political science from history. He was firmly convinced that the divorce was a dreadful mistake in judgment and that if political science, economics, law, and sociology were cut entirely loose from history they would become theoretical, superficial, and speculative, or what might be worse, merely "practical," that is, subservient to vested interests and politicians temporarily in power. By this separation, he believed, they would break contacts with long human experience in the conduct of government and thus furnish no seasoned standards for making those epochal judgments which constitute the highest acts of statesmanship so fateful for the life and death of nations.

To adepts in the very newest psychology and all who imagine that God speaks through them, the intellectual and moral exercises I have just proposed may seem inane. If so, I shall file no objection. For aught I know, all the world may be a stage and all men and women merely actors in it, speaking their predetermined lines to the end. Yet I do know that one of our greatest forerunners in the theory and practice of political science, Justice Oliver Wendell Holmes, at the age of ninety-three, deemed efforts to improve his mind as worthy of his attention; and, as Mary Beard and I can testify on the basis of a conversation with him two days before his final illness stole upon him, he was still engaged in that quest, happily and sagely, amidst the gathering shadows that ended his earthly inquiries but not his empire over our hearts and minds.

By your grace, I may be permitted a few words of apology for taking so much of your time and for the shortcomings of my discourse. I close not on a note of admonition but of deep curiosity. If my reflections seem wholly meaningless to all visiting firemen now at work on the biggest world conflagration in the history of government, I beg the privilege of asking them where and in whose possession is to be discovered sound ontological and epistemological sense, above and beyond every line of argument?

GEOGRAPHIC AND OTHER SCIENTIFIC TECHNIQUES FOR POLITICAL SCIENCE

S. WHITTEMORE BOGGS

U. S. Department of State

In the times of George Washington and Thomas Jefferson, there were no world problems, and there never had been; nor were any anticipated. But today the range of subject-matter dealt with in international conferences and treaties and by the United Nations, its commissions and the specialized agencies, is almost as all-inclusive as the domestic legislation of any nation, and the problems in some respects are even more complicated. Mankind did not plan it that way. Science and technology have given new meaning to the Chinese proverb, "All people are your relatives; therefore expect troubles from them."

The greatest evils that afflict and threaten mankind spring from political conflict. The lag of the social sciences behind the physical and biological sciences is in part responsible for these unprecedented problems and for two indescribable world wars in a generation. The fear of other's bombs and ideas has led many nations to enter political struggles that had developed into a state of war in distant regions, impoverishing the whole human race and squandering the patrimony of the world's unborn generations. And the fear of more horrendous wars is strongest among those best equipped to wage them.

Present world problems may exist in part only in our minds, because of inconclusive thinking and the attitudes disclosed by the terms one employs in talking about them. "Economic and political warfare" and "measures short of war" are orthodox phrases, and the term "world economy" expresses need and aspiration more than reality. The ancient right of sovereigns to make war upon one another has perdured until our day, being well established in international law—which makes it seem more impressive to speak of "the defenses of peace" rather than "peace" itself in saying that "since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed."¹

For most people it is very difficult to attain the viewpoint of Christopher Morley that "nothing is more exciting (you can see

¹ Preamble of Constitution of the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

hints and murmurs of it in all sorts of places) than to watch the world getting ready to think ideas quite different from those it is at the moment openly proclaiming."² Uncertain of some of its present ideas, the world is apprehensive with regard to any ideas it may be getting ready to think. All of which points to the tragedy that may continue to stalk the stage of human affairs until political thinking and action become sure and constructive.

Men therefore should explore the possibilities of extending to political affairs any benefits that may come from a more scientific approach. In an historical study of science, President Conant recounts the invention of the mercury-column barometer and the improvement in suction pumps in the seventeenth century, which led to the discovery of the compressibility of gas and the fact that a column of air has weight—knowledge that has had revolutionary effect upon human affairs. Thus was displaced, he remarks, the once useful concept that "nature abhors a vacuum." One wonders what current ideas and concepts are also deciduous. President Conant stresses "the influence of new techniques of experimentation" and the "evolution of new concepts from experiment" and notes that "Only the combination of a new concept with facts contradictory to the old ideas finally brings about a scientific revolution. And when once this has taken place, then in a few short years discovery follows upon discovery and the branch of science in question progresses by leaps and bounds."³

If mankind is to learn how to reshuffle the political cards fairly, wherever they seem to be stacked against reason and humanity, new techniques of experimentation should be devised which may reveal elusive basic facts of political relations—some of them perhaps as simple as the physical fact of the compressibility of gases—and then concepts should be developed which are adapted to the world of new forces and powers in which we are beginning to live.

II. SCIENTIFIC METHODS AND ACHIEVEMENTS

Scientists are continually expanding the fields of their curiosity and conquest. Developing methods adapted to varying subject-matter, they have made sciences where there were none before. Scientists learn equally from each other's apparent failures and successes. To scientists, a majority vote would mean nothing—

² John Bartlett, *Familiar Quotations*, 11th ed., p. vii.

³ James B. Conant, *On Understanding Science* (New Haven, 1947), pp. 30 and 36-37.

except in analyzing the minds and emotions of the voters, for which purpose the minority vote might be equally significant. They shun confusion over words. Those vague agglomerations of tradition and rationalized folkways known as "ideologies" have no place in their deliberations. Scientists do not withhold from one another their knowledge, techniques, and equipment; nor do they try to wreck each other's laboratories. Why should they, when there is only one universe, one earth-world, one human race, to study? Whatever is learned anywhere is clear gain for all who have caught the spirit of science at its best. Scientists have nothing to hide and nothing to fear from each other. They do not defend their hypotheses like brooding hens their nests. Recognizing no barriers of language, race, or nationality, old ideas and hypotheses are discarded for better ones, with no regrets. Only thus have scientists been able to discover that we live in a dynamic universe in which all of the great forces are as invisible and intangible as the mind itself.

There are no sharp lines of division between the sciences. "Knowledge is one and indivisible." Considering how much of the greatest significance has been discovered by Newton, Einstein, and others of monistic temperament,⁴ one is encouraged to begin by trying to see our problems whole, and integrating as much as possible in seeking their solution.

When one turns to the social sciences, it is rather frightening to find that they are about as inexact as were geology and chemistry a century ago. A vast new body of empiric data may be needed if the social sciences, and political science in particular, are to make advances adequate to the imperative needs of our day. The same open-mindedness, the same objectivity, the same distrust of one's own eyes and ears and of contemporary assumptions and attitudes, is attainable in the so-called social sciences, at least by a few—although it is much more difficult than in the physical sciences. It will require the devotion of energy and every resource, especially of young men and women for years, and perhaps the expenditure of a few million dollars to pay expenses, if the tragic lag in political science is to be taken up.

III. SUGGESTED APPROACH IN POLITICAL SCIENCE

The effects of science and technology have been more direct and automatic upon economic and social activities than upon political

⁴ See A. d'Abro, *The Decline of Mechanism [in Modern Physics]* (New York, 1939), Chap. 13, "Psychological Differences among Physicists."

development. Until recent decades, the interests and activities of the individual and his family were often circumscribed within less than 1/10,000 of one per cent of the earth's surface. Today, the area in which the needs of millions of people are met, and in which events of vital importance to them occur, embraces, for each individual, millions of square miles. The contrast between areas of interest and concern as of a century ago and today, for a particular community and an economic or political function, is frequently comparable to the difference in size of an oyster and an octopus on a four-foot globe.

Political society is unique with reference to space and also time. It is the only society that embraces all human beings who live within given boundaries at a particular time. The citizen or subject has no choice, unless by emigration. Political society is peculiarly geographic in character, and tends to be geographically inflexible. On a political map, it lends itself to simple tinted differentiations between states or provinces, and thus to uncritical, unrealistic assumptions as to similarity of function and of the status of states. It also tends to suggest that international problems can be solved by shifting boundaries—which instead often creates and complicates more problems than those that are ameliorated.

Man is not more stupid in politics than in other matters. But he is bewildered by the political hodge-podge and the lack of understandable facts. There is, for example, no clear-cut differentiation between the functions of town, city, province, nation-state, and other political entities. The area within which a political function or service is exercised or administered has not been adjusted to the revolutionary changes in means of transport and communication, and to industry's voracious ingestion of remote raw materials and its eagerness for distant markets engendered by scientific discoveries and technological developments.⁵ The complacent assumption that political decisions should continue to be made at the level at which they are now made, sometimes in disregard of all the rest of the world, does not seem to meet modern political requirements.

The purpose of this paper is to suggest that one of the most fertile concepts that may aid in solving the most baffling political

⁵ See Elton Mayo, *The Social Problems of an Industrial Civilization* (Harvard School of Business Administration, 1945) for suggestions for application of the methods of the clinic and the laboratory to social and political problems. "The one method informs and develops the other—simple logic and complex fact, simplified fact and complex logic" (pp. 34-35).

problems of the world may be found in an objective geographical and historical study in which the changing planetary patterns of economic and social activity, influenced as they have been and are by science and invention, are compared with the changing patterns of political activity—necessitating development of new geographical techniques in field observation and historical research, and analysis of the results in new types of maps and diagrams. It is suggested that studies be related largely to the needs, interests, and activities of human beings, viewed against the background of political, economic, and other social organization. This focusing upon the individual and local society, instead of upon the “rights” of large and small nation-states and their administrative subdivisions, is basic. Even in the most authoritarian states, it has been not uncommon practice to try to make the individual believe that the status quo, or any change that is proposed, is really best for him—and this is increasingly true because of radio and easy travel. Certainly a vast body of facts relating primarily to human interests, needs, and activities, gathered on a world-scale, emphasizing relations between human societies and between man and the earth’s resources, objectively organized and presented with scientific accuracy and graphic clarity, should enable mankind to think and act much more constructively in the political field.

What have nations, provinces, and towns done in earlier decades and centuries for human beings individually and collectively, and what do they do today—in the historical context of changing technologies? The functions of city, provincial, and national governments which are most universally recognized are the maintenance of public order and the protection of the rights of property. But the agenda of governments today include such varied items as technical assistance to farmers, protection of fisheries, public education at all levels, unemployment insurance, old-age pensions, family allowances, and regulation of all forms of contact with other parts of the world, including passports, imports and exports, shipping, air transport, labor, health, and sanitation. By international agreement and minimum machinery, governments perform functions, such as coöperative letter-carrying, which are of direct service to individuals everywhere. In general, it would appear, throughout all history in all parts of the world, that those in seats of political power are inclined to do anything and everything that may extend their tenure of political power.

(1) *World-wide studies.* The first recommendation of a geographical nature is that political science deliberately embrace the whole human race and as much of history as may yield relevant data. The political literature of Europe and America derives from Plato, Aristotle, Machiavelli, Hobbes, Locke, and more recent political theorists. But mention is seldom made of Asia and Africa and the islands of the seas. The study of man as a political and social animal should be as wide as the world. How have men managed their affairs, in the interest of the entire community (or of those who speak in its name), in regions in which Aristotle's influence is unknown? Unless we encompass the experience of peoples with very different backgrounds, how can we be certain that what we regard as political forces are not merely ideas within our own heads?⁶

China, for example, provides an almost untilled field of political literature which, it has been observed, is fabulously rich. Extending over more than 2,000 years, especially during the Han, the T'ang, the Sung, the Ming, and the Ch'ing dynasties, there is "a vast body of political thought, experimentation, and experience."⁷ Civil service examinations, scholar-officials, and a political hierarchy characterized the political genius of governments that survived into the twentieth century. Adaptation of political structure to large area and varied geographic environment and to communication and transportation limitations seems to have been achieved with a surprisingly small bureaucracy and police authority of central government. The unity of a great culture molded and cemented the lives of families and communities. Concepts of mutual obligations were inculcated which embraced all human relationships, linking ancestors and posterity, and ideally all of civilized mankind, in a sense of the will of Heaven, which contributed to social stability more than could any emphasis upon individual rights. China also affords a unique field because modern technology has touched large areas very little and others very much, while political functioning under the Ch'ing is a matter of memory of living persons.

India is unique, with widely divergent cultures and many languages, and numerous kingdoms and principalities, constituting an exceptional clinical laboratory of social and political behavior. Cultural anthropology offers valuable studies of primitive peoples,

⁶ See Emery Neff, *The Poetry of History* (New York, 1947), p. 212.

⁷ See Kenneth Scott Latourette, *The Chinese: Their History and Culture* (2nd ed. rev., 1934), espec. Vol. II, Chap. 14.

some of which have been made in the spirit and manner of science at its best.

(2) *Area limitations of each political function or each human activity.* The second suggestion is that, with reference to each human activity or each political function, the area limitations of that activity or that function be studied at different dates. For example, area limitations in public health functioning, in city, province, nation, and the world, seem worthy of study in relation to changing means of travel and sources of food supply, and rapidly increasing knowledge of diseases and their control and of nutrition, genetics, and other subjects. In the control of epidemics and other matters of health, the pattern has greatly changed from the time of Mosaic injunctions to the regulation of Moslem pilgrims for several centuries, the unsuccessful nineteenth-century attempts to negotiate an international sanitary convention before germs were discovered, the international sanitary conventions beginning in 1903, and the Pan American Sanitary Code of 1924, to the World Health Organization. Quarantine and sanitary measures are applied to persons, and to seaports and airports, vessels and aircraft, baggage and merchandise, to prevent the spread of disease along the highways of international maritime and aërial navigation. In addition to the present five "convention diseases" (cholera, plague, typhus, yellow fever, and smallpox), international effort is being given to tuberculosis, malaria, venereal diseases, influenza, infant mortality, cancer, and to international standards for certain vitamins, vaccines, penicillins, streptomycin, and blood-grouping sera, and standards for an International Pharmacopoeia.⁸

(3) *Viewpoints of the individual and of governments.* The third suggestion is that, wherever feasible, each political function for each selected date be studied from the following two viewpoints: (a) with reference to the individual in society, to the family, and to small groups of people with whom the individual is intimately associated, as in "town-meeting" and the voluntary associations of which the individual is a member, including those in which he works; and (b) with reference to government, in large and small political entities, and the study of selected functions of each—the area within which it has operated at different dates, and so far as

⁸ See Department of State *Bulletin*, May 18, 1947, pp. 971 ff.; Nov. 16, 1947, pp. 953 ff.

feasible the variations in effectiveness under different technological conditions.

The individual in society. In studying the activities, the needs, and the interests of the individual human being, in the society in which he lives, one deals for the most part with tangible and concrete facts that are germane to community, and therefore political, concern. The investigator who seeks to understand and to map the area limitations of interests and activities of a local society, whether in Virginia, Yunnan, Guatemala, or the Sudan, as of several decades or centuries ago and again today, can scarcely come to grips with his problem without first-hand acquaintance with the area and its people. He must take into account all that men regard as relevant to their happiness and well-being, all that men do and want to do, their most remote contacts, and the effect upon men's activities of community or political facilitation or restraint. When he seeks to understand why men do what they do, and why they think something is good or bad, he may need the help of anthropologists and others; but the investigator's own preconceptions must be rigorously excluded in these as well as all other matters if his work is to have scientific value.

Since there is no norm by which to measure different societies, the past and present limitations of human activities, aspirations, and loyalties afford no safe criteria for the future. The human desire to be useful but not to be used is often manifest in an eagerness to be of service to one's community or state or to all mankind. That desire and the opportunities and the restrictions placed by political societies upon such service belong within the purview of the most objective studies.

The range and effectiveness of government authority and service. The distance at which a function of government may be exercised and its authority and services made effective varies with the function concerned, with tradition, with technological conditions, and in some instances with the delegation of authority to government itself. The effects of railroads, the telegraph, telephone, airplanes, radio and other electronic devices, and of military weapons have been so extraordinary that governments that are inclined to oppose one another today are more like one another in important respects than they are like their own predecessors of a century or more ago. The range and method of operations of all governments of large

territories, and the attitude of government officials toward peoples in distant parts of the nation, have been transformed.

A study of colonial administrations, including changes from the days of sailing ships to the radiotelephone and the airplane, may be enlightening in bringing into the picture the expanding areas of interest and concern of many peoples, and great changes in their economic and social relationships that have occurred in recent decades.

The efficacy of sovereign authority is attested by the application of complicated restrictions at national frontiers which sometimes constitute obstacles more formidable to traffic in goods and ideas than are the Alps to engineering skills. Some of the many invisible walls and curtains can and should be mapped, although it is very difficult to do so.

Centralization of authority is a natural trend under modern conditions—at least it seems natural to the one who has the authority. It is easy to make one's wishes or orders known instantly, and to require a prompt report. The dangers of "remote control," which tends to become the pattern in both political and military action, are therefore a matter of ever-increasing concern to the citizen or subject. A district or territorial officer who, before the telegraph, was of necessity allowed discretion now frequently finds that the decisions are made and orders given from a distant capital city, sometimes by a junior desk officer without full comprehension of the situation.⁹ David Lilienthal, in his *TVA—Democracy on the March*, decries the evils that "are inherent in the over-centralized administration of huge enterprise, because it ignores the nature of man" (p. 149). He describes the workings of the TVA, a regional "corporation clothed with the power of government but possessed of the flexibility and initiative of a private enterprise" (quoting the words of President Roosevelt, p. 47), and urges "the advantages of the *decentralized administration of centralized authority*" (p. 142), stressing the dangers of centralization which "always glorifies the importance of pieces of paper" and "dims the sense of reality" (p. 144).

The choice between centralization and decentralization, in rela-

⁹ For example, a New Mexico cattle-grower, in OPA days, wrote to Washington asking permission, as he was required to do, to slaughter about 110 steers for market; he was advised that he must keep fifty for breeding purposes!

tion to many specific functions and services,¹⁰ is at the core of the problems of political science. It is rapidly acquiring added significance, in part because of two rather conflicting tendencies which are manifest in every continent: (1) the desire for local autonomy, and (2) the desire for national unity. World unity is needed and is desired by many—further augmenting the significance of decentralization. Adaptation of political functioning to local and regional physical and cultural differences will be increasingly important as centralization becomes temptingly easier, and as new technical functions such as telecommunications and international civil aviation come to be coördinated and supervised on a planetary scale from sheer necessity, however reluctantly nations may consent to the arrangements. The potentialities of human and physical resources can never be fully realized unless local communities make their peculiar contributions to world economy and world society. Moreover, adaptation to geographic variations is important: military operations painstakingly take account of differences of terrain, jungle, desert, climate, attitudes of peoples, resources, transport, communications, and every conceivable factor affecting their success. Can political science ignore these fundamental geographic factors? When new hypotheses in political science are developed on the basis of new facts and new techniques, geographers must be prepared to give special assistance in the delineation of regions for specific political functions, consonant with field studies and the analysis of all available data.

Science alone cannot solve the world's political problems. The sense of values is not derived from science, nor can any large political system work effectively without men and women of integrity and great character. But science and technology may provide the indispensable means of solving many of the physical and some of the psychological problems that have come to complicate world political relations (many of which they have created or have aggravated). In this discouraging moment, however, it seems that for the first time in all history mankind may already possess the means of achieving a great, integrated world-wide political society

¹⁰ An example of a concrete study of a specific problem is the Conference on Local Government Units with Special Reference to Highways, held in New York City, April 28 and 29, 1933, under the auspices of the Social Science Research Council. The chairman was Dr. Luther Gulick, director of the Institute of Public Administration.

of free individuals, intelligently practicing coöperation in preference to a rather ragged individualism—a flexible and experimental society adjusted to the most diverse local variations of environment and culture.

IV. SUGGESTED GEOGRAPHICAL AND GRAPHIC TECHNIQUES

If these changing space relations of human activities are to be adequately studied, together with the ways in which states influence them, new types of maps and cartograms must be evolved. And if comparisons of changing space relations are to be visualized as between different geographical areas, it will be necessary to schematize some of the mappable data in such manner that one may, in effect, superpose one map upon another, or many maps upon each other, and thus perceive the changing space or geographic factors in their broad aspects. Some of these should become new tools for use in political science¹¹ and political geography.

Symbols and other conventions should be developed that are especially adapted to the subject-matter and to ready comprehension by the layman as well as the political or social scientist. Those presented herewith are preliminary and experimental. A group of geographers and cartographers might well be designated to study and report on the subject.¹² The maps and diagrams will range from microgeographic to planetary. Therefore one of the first things to be strikingly depicted is the scale of the map.

Where relationships on two or more maps are to be superposed for comparison, the individual or any small group, and the effects of state action upon the everyday relationships, may be represented by conventional devices such as those suggested in Figure 1. In many instances, a skilfully schematized map, with much simplified continental and national outlines, facilitates visualization of what happens at boundaries.

On the next diagram (Figure 2) the squares, are proportional to continental areas, and the circles are proportional to the popula-

¹¹ See John D. Millett, "The Use of Visual Aids in Political Science Teaching," in this REVIEW, Vol. 41 (June, 1947), pp. 517-527. Millett says: "Everyday relationships are far more numerous and important than the official channels illustrated in the customary chart"; and "we need more experimentation."

¹² See the symbols developed in connection with German "geopolitics" in Derwent Whittlesey, *German Strategy of World Conquest* (New York, 1942), pp. 130-139. None of these may be useful in themselves, but some of them may suggest effective and appropriate symbols for the present purposes.

tions of countries. The need of a special study of Europe is suggested by this geo-diagram, the economic, social, and political geographical patterns of a century ago to be compared with those of,

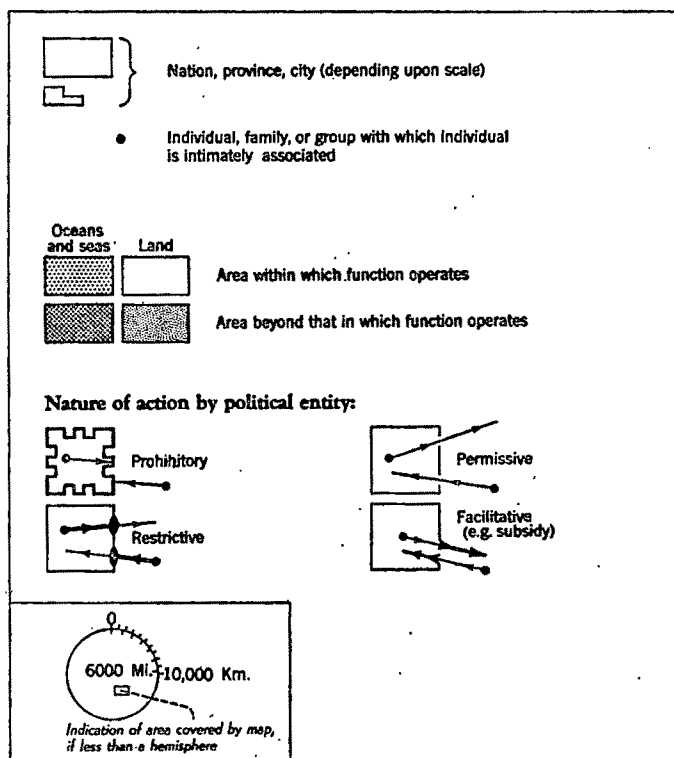


FIG. 1. Some symbols and conventions for political maps and cartograms. These symbols and graphic devices are suggested for experimental purposes. The boundaries are conventionally straightened, at least where crossed by lines representing any kind of human need or interest. The nature of the action by the political state is here symbolically represented in four categories: (1) *prohibitory*, where nothing crosses the boundary legally; (2) *restrictive*, indicated by a thickening of the boundary line where crossed by a line of non-political activity, and by lightening the line after it crosses the frontier; (3) *permissive*, the lines traversing the boundary as if it did not exist; and (4) *facilitative*, the boundary itself taking the form of a heavy arrowhead, as if the boundary facilitated the crossing. The circle in the inset in the lower left corner represents a hemisphere, on which is indicated the area of the main map to which it is related; this device visually coordinates maps on widely differing scales.

say, 1900 and today. It would help to show how Europe, as the continent with the greatest natural advantages of location, configuration, climate, and resources, which was exceptionally prosper-

- A. Relating to direct personal contacts
 - 1. Number of persons who have traveled more than 10, 100, or 1,000 miles from home, or around the world
 - 2. Number of persons who have attended educational institutions in foreign countries, using a foreign language
 - 3. Number of persons engaged in migratory labor
 - 4. Passport restrictions, e.g., in 1600 A.D., 1800, 1900, and today.
 - B. Indirect individual contacts—by mail, telegraph, telephone, radiotelephone, etc.
 - 1. National or other area limits within which a person could send letters upon payment of an established postal rate, at different dates, in all parts of the world, and the effect of changing postal rates on volume of mail
 - 2. Geographical limits within which a person could send telegrams, radiotelegrams, or make telephone calls by wire or radio system, before and since the conclusion of various telecommunications conventions, and the effect of those conventions upon person-to-person communications
 - C. Services which affect the individual or the local group in a real and vital way—governmental, non-governmental, or both
 - 1. Services and information available to farmers
 - 2. Services and information available to men in the fishing industry
 - 3. Food supply—per cent received from distances of, say, 10, 1,000 miles, 5,000 miles, or more—not by countries, but by localities within countries
 - 4. Clothing supply
 - 5. Health (including public health services), nutrition, water supply, milk supply, pure food, drugs of all sorts
 - 6. Education
 - 7. Labor and employment
 - 8. Recreation facilities
 - D. Obligations and duties of the individual to government and to non-governmental organizations
 - 1. Military service and other obligations in time of war
 - 2. Taxes
 - 3. Other established obligations which relate to the functioning of society in times of peace
 - E. Group and community interests and needs in relation to distant areas, in different parts of the world at different dates
 - 1. Sources of supply of materials used in local trades and industries
 - 2. Important markets for products of local trades and industries
- II. With reference to government, the area or region within which it operates or formerly operated

- A. In relation to each function, variations in effectiveness of the exercise of authority, at different dates and in relation to contemporary means of communication and transportation and other technological developments
- B. In relation to each function, the degree of centralization or decentralization of the administration, and the results as they affect the local community and the individual. Also the amount of discretion given to local governors and other officials, varying with means of communication, transportation, etc.
- C. In relation to individual employment in government service, the manner of selection, and the centralization or regionalization of operation. This study might include, for example, the preparation of maps showing the countries or areas in which civil service examinations were conducted in the years, say, 500 A.D., 1600, and today (including colonial areas and the local populations)
- D. With reference to governments, also, those matters in which two or more countries associate with one another, as by treaty, in the exercise of any function, as in telecommunications, aviation, public health, and any of the many other subjects of current international agreement¹³
- E. With reference to governments, also, consideration of the relation of non-government organizations involved, and whether the latter operate in a smaller or a larger area
 - 1. In matters of trade, whether government restricts, imposes no limitations, or aids by subsidy or otherwise. Nothing in economic and political affairs is much if any more complicated than trade and trade restrictions, but it would be helpful if some well-chosen products were geographically analyzed and the actual cost and complication of crossing a given boundary in a given direction at a given date indicated, and comparison made with a different date
 - 2. In matters of publication, copyright, and tariff and other restrictions, studies might be made at selected dates and for certain areas

Some of these suggested studies may seem so simple and the facts so obvious as to deserve no serious endeavor. But the ratios of differences are so extremely divergent, and the local variations so extraordinary, that their significance cannot be perceived without quantitative and graphic studies. A great deal of patient, pedes-

¹³ Multilateral treaties might well be studied geographically, with geo-diagrams combining studies of many treaties. If n countries sign one multilateral treaty, its contractual arrangements are equal to $n(n-1)/2$ bilateral treaties.

trian study would be required, comprising an historical series for selected areas, comparing political and non-political activities with reference to specific human interests, together with a generalized series relating to the world as a whole.

One may conceive of a world atlas of human relations—social, cultural, economic, and historical, the political factor being emphasized with reference to the interests, needs, and activities of human beings throughout the whole world. The maps and diagrams would be original, informative, and interesting in the highest degree, and useful to people of the most diverse backgrounds and outlook.¹⁴

It has been remarked that "ideologies divide; projects unite." It does not require a doctor's degree in geography for geographers, political scientists, historians, economists, anthropologists, and others who may be interested, to tackle projects like these, many of them international in scope. But perhaps here lurk potential subjects for a thousand dissertations, in many countries. Both field work and historical research would be required. The evolving techniques may be as important as the data obtained if they help to develop political science relatively rapidly as a science.

Mankind, Inc., if there were such a corporation, might be expected to go about the job of analyzing some of its major problems in this matter-of-fact manner, as engineers tackle assignments, not on the basis of tradition alone, but on what can be achieved with imagination, utilizing the latest available materials, techniques, and skills. Some such approach is necessary if the alternative for mankind is, as it seems to be, either to integrate or to disintegrate. And as Toynbee has said: "The divine spark of creative power is instinct in ourselves; and if we have the grace to kindle it into flame, then the stars in their courses cannot defeat our efforts to attain the goal of human endeavours."¹⁵

¹⁴ There appears to be real need of a cartographic staff and laboratory to conduct experiments in devising new types of maps, more effective means of presenting data on maps adapted to comprehension by laymen, and means to facilitate the compilation and drafting of maps and cartograms without starting from scratch in most cases and without unnecessary copyright difficulties. Such developments are especially to be desired in relation to the whole field of the social sciences.

¹⁵ Arnold J. Toynbee, *A Study of History* (London, 1934-39), Vol. IV, p. 39.

AMERICAN GOVERNMENT AND POLITICS

THE FEDERAL REGULATION OF LOBBYING ACT

BELLE ZELLER

Brooklyn College

Although the need for such action had long been apparent in Washington, it was not until 1946 that a federal statute was enacted for the regulation of general lobbying activities. Prior to that year, Congress had, on a number of occasions, investigated lobbying practices, and as a result had enacted measures which reached a limited number of groups engaged in them. The Public Utility Holding Company Act of 1935, the congressional act in 1936 affecting the shipping interests, and the Foreign Agents Registration Act of 1938 were important regulatory measures, but they reached only a few of the groups exerting direct and continuous influence in Washington. The Federal Regulation of Lobbying Act of August 2, 1946, is more general in its coverage; and it has been in force long enough for its effectiveness to be tested.

In this article, it is my purpose (1) to supply a brief historical background for the measure referred to; (2) to examine the statute's provisions; (3) to appraise the objections raised to it; (4) to examine the actual administration of the act and point out the difficulties of enforcement, particularly during its first year; and (5) to offer recommendations for strengthening the law.

I. HISTORICAL BACKGROUND

Bills to regulate lobbying appeared in Congress as early as 1907 and were introduced from time to time thereafter. In 1928, Senator Thaddeus H. Caraway of Arkansas introduced a bill which only the Senate passed.¹ In defending his measure, the Senator pointed out that there were between 300 and 400 "alleged associations" listed in the Washington telephone directory,

" . . . 90 per cent of which . . . are fake associations organized for the sole purpose of profit for those who are at Washington, [and] are engaged in obtaining money from those who live away from Washington under the belief that they are promoting some theory of government in which they are interested, or protecting or advancing the interests of some business in which they are engaged. Ninety-five dollars out of every hundred that the public pays to these alleged associations go into the pockets of the promoters of these fake associations. It might be safely said outside of a dozen there is not a penny paid to these associations that is not worse than wasted. . . ."²

¹ S. 1095, 70th Cong., 1st Sess.

² Senate Report 342, 70th Cong., 1st Sess., 1928, pp. 2, 3.

In 1935, the excesses of the utility lobbies attracted nation-wide attention. Of their activities, the House Rules Committee said on February 27, 1936: "... the campaign to influence utility holding company legislation was probably as comprehensive, as well managed, as persistent, and as well financed as any in the history of the country.³ As a result of this publicity, bills to regulate lobbying poured into the Seventy-fourth Congress. Senate bill 2512, sponsored by Hugo L. Black of Alabama, and H. R. 11663, introduced by Howard W. Smith of Virginia, passed their respective houses, but their wide divergence, although bridged by the conferees, did not meet with congressional approval, and they failed to become law.⁴

However, Congress was determined that the utilities should not escape regulation, irrespective of the fate of the general lobbying bill. It therefore wrote into the Public Utility Holding Company Act of 1935, not only the provision that utilities should not contribute to party campaign funds, but the additional stipulation making it

"... unlawful for any person employed or retained by any registered holding company, or any subsidiary company thereof, to present, advocate, or oppose any matter affecting any registered holding company or any subsidiary company thereof, before the Congress or any member of committee thereof, or before the Commission [Securities and Exchange] or Federal Power Commission, or any member, officer, or employee of either such Commission, unless such person shall file with the Commission in such form and detail and at such time as the Commission shall, by rules and regulations or order prescribe as necessary or appropriate in the public interest or for the protection of investors or consumers, a statement of the subject-matter in respect of which such person is retained or employed, the nature and character of such retainer or employment, and the amount of compensation received or to be received by such person, directly or indirectly, in connection therewith."⁵

The law further requires that financial statements be filed with the Commission "within ten days after the close of each calendar month during such retainer or employment."⁶

Encouraged by its success in passing this legislation concerning the public utility holding companies, Congress turned its attention the following year to the lobbies of the shipbuilders and ship operators; and in 1936 a statute similarly regulated these pressure interests through registration with the United States Maritime Commission.⁶

With war clouds hanging over Europe, and activity of foreign agents on

³ House Report 2081, 74th Cong., 2nd Sess., p. 3. An earlier investigation of lobbying practices in which the National Association of Manufacturers figured prominently occurred in 1913. Cf. House Report 113, 63rd Cong., 2nd Sess.

⁴ House Report 2925, June 2, 1936.

⁵ U. S. Code, 1940, title 15, ch. 2C, secs. 79(h) and 79(i). See also Forms U-12(1)—A and B of the Securities and Exchange Commission.

⁶ See U. S. Code, title 46, sec. 1225; U. S. Maritime Commission General Order No. 9, July 13, 1937; and Forms 807-1 and 807-2, together with accompanying instructions for such forms.

the propaganda front intensified, Congress took a protective step in 1938 by passing the first Foreign Agents Registration Act (amended in 1942), requiring that every person who is an agent of a foreign principal shall file with the Secretary of State a statement describing in detail the nature of his activities. The law provided also that political propaganda disseminated by such agents shall be so labeled and copies of such matter filed with the Librarian of Congress and the Attorney-General. Under an executive order, effective June 1, 1942, President Roosevelt transferred to the Department of Justice the administration of registering foreign agents. Registration statements, open to public inspection, had thereafter to be filed with the Attorney-General every six months, and a copy of each registration statement had to be furnished the Secretary of State. It should be particularly noted that the Attorney-General was required also to make reports from "time to time" to Congress concerning the administration of the act.⁷

In reporting the special areas of lobbying activity upon which Congress has acted, it is perhaps well to include the amendment to the Criminal Code in 1940. This forbade anyone to endeavor: "... corruptly or by threats of force, or by any threatening letter or communication . . . to influence, intimidate, or impede any witness . . . in connection with any inquiry or investigation being had by either House, or any committee of either House, or any joint committee of the Congress of the United States . . ." or by such methods to attempt to interfere with the proper administration of law or proceedings of inquiries. The above language appears sufficiently broad to cover the "influence" exerted by lobbyists upon Congress.⁸

In studying the problem of lobbying regulation at the federal level, much can be learned from the experience of the states, thirty-five of which regulate lobbying in some way.⁹ Of the thirty-five, twenty-five now provide for the registration of legislative agents and legislative counsel employed in such capacity for compensation. The secretary of state is the officer

⁷ U. S. Code, title 22, secs. 611-621; Executive Order No. 9176, *Federal Register*, Vol. 7, June, 1942, p. 4127. See Report of Attorney-General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938 as amended for the period from June 28, 1942, to December 31, 1944 (June, 1945). Also Karl E. Ettinger, "Foreign Propaganda in America," *Public Opinion Quarterly*, Vol. 10 (Fall, 1946), pp. 329-342.

⁸ U. S. Code, title 18, sec. 241a, approved January 13, 1940.

⁹ A fuller story of the state lobby laws has been told elsewhere. See especially E. B. Logan, "Lobbying," *Supplement to the Annals of the American Academy of Political and Social Science*, July, 1929; Belle Zeller, "State Regulation of Lobbying," in *The Book of the States, 1948-49*, pp. 124-130; Belle Zeller, *Pressure Politics in New York* (1937), pp. 251-262, for detailed examination of the administration of the New York State lobbying law.

with whom the statements are customarily filed. The required information usually includes the name and address of such agents, by whom employed, date of employment, duration of employment if it can be determined, and the special subject of legislation to which the employment relates. Seventeen of the twenty-five states also require the filing of statements of all expenses paid, incurred, or promised in connection with the promotion of legislation; thirteen require that these expense statements be filed within thirty days after the adjournment of the legislature, and two within two months after. In 1945, both Nebraska and Wisconsin amended their statutes to provide for the filing of expense statements during the legislative session.

These state lobbying provisions have at least established the principle that the public has a right to know who are the paid lobbyists and what is the source of their funds. It must be said, however, that the record of lobby control in most states reveals that it has not been as effective as it should be, because faulty definition has failed to include the pressure groups as well as their paid agents, and because of inadequate enforcement.

The year 1946 seemed propitious for the enactment of a general federal lobbying law. For one thing, the first year after the cessation of the war witnessed an unprecedented amount of lobbying in connection with many controversial questions before Congress—particularly veterans' housing, price control, public power projects, and strikes. President Truman inserted in the prepared text of his Jackson Day address on March 23, 1946, a declaration that "my friends in Congress have got to make up their minds whether they're for the veterans' rights or whether they are going to bow to the real estate lobby."¹⁰ Senator Murray of Montana called attention to a "small ruling clique in the American Medical Association" which is trying to defeat "the Administration plan for Congressional health insurance."¹¹

Earlier, on March 11, 1946, Speaker Rayburn had called attention to lobbying activity in another area, when he stated from the floor of the House that "this town, for the past six months, has been seething with lobbyists" out to kill rural electrification and public-owned power in general.¹² The next day Chairman Sabath of the Rules Committee offered a resolution proposing that a special committee be established to investigate "any and all groups which have or are engaged in present propaganda campaigns or lobby to defeat legislative measures for the relief of the acute housing shortage . . . to abolish or weaken price control; all

¹⁰ *New York Times*, Mar. 24, 1946.

¹¹ F. M. Brewer, "Congressional Lobbying," *Editorial Research Reports*, Vol. 1, No. 18 (May 8, 1946), p. 320.

¹² *Cong. Rec.*, Vol. 92, p. 2156.

groups which have or are engaged in the power lobby." This resolution was revised by the Rules Committee, directing that the investigation be made by the Rules Committee itself, and that lobbying activities by federal agencies and employees as well as by private groups be covered.¹³

Even before these and other attacks upon lobbying activities in 1946, the Special Joint Committee on the Organization of Congress was giving its attention to the need for a congressional lobbying law. In fact, the Committee on Congress of the American Political Science Association, under the chairmanship of Dr. George B. Galloway, who later was named research staff director of the Joint Congressional Committee, had recommended in 1945 "that all groups, representatives of which appear before congressional committees, should register and make full disclosure of their membership, finances, etc."¹⁴

Many complaints of the attempts of organized pressure groups to influence the decisions of Congress were heard during the hearings of the Joint Committee on the Organization of Congress, although extensive evidence on the need for lobbying legislation was not given at these hearings.¹⁵ In its report to Congress on March 4, 1946, the Joint Committee recommended "that Congress enact legislation providing for the registration of organized groups and their agents who seek to influence legislation, and that such legislation include quarterly statements of expenditures made for this purpose."¹⁶ On August 2, 1946, the President signed the Legislative Reorganization Act, Title III of which is the "Regulation of Lobbying Act."¹⁷

II. PROVISIONS AND INTERPRETATION OF THE LOBBYING TITLE

Provisions of the Federal Regulation of Lobbying Act are set down in sections 302-311 inclusive. Section 307 is designed to define the application of the title and includes any person (defined as an individual, partnership, committee, association, corporation, and any other organization or group of persons) "who by himself, or through any agent or employee or

¹³ This resolution, H. Res. 557, and another similar in purpose, H. Res. 416, introduced earlier by Representative Smith of Maine, did not pass.

¹⁴ *The Reorganization of Congress; A Report of the Committee on Congress of the American Political Science Association* (1945), p. 80.

¹⁵ Hearings before the Joint Committee on the Organization of Congress, 4 parts, 79th Cong., 1st Sess., March 13, 1945, to June 29, 1945. See especially helpful comments of George H. E. Smith, research assistant to the Senate minority leader at page 411 of these hearings. After the close of the hearings, the writer submitted to the Joint Committee, upon request, a memorandum on the subject of "Federal Regulation of Lobbies." For the text of this memorandum, see Print of Joint Committee on the Organization of Congress, June, 1946, pp. 65-69, and George B. Galloway, *Congress at the Crossroads* (1946), pp. 302-307.

¹⁶ Senate Report 1011, 79th Cong., 2nd Sess., p. 27.

¹⁷ Public Law 601 (Senate Bill 2177), 79th Cong., 2nd Sess.

other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used *principally to aid, or the principal purpose of which person is to aid*, in the accomplishment of any of the following purposes: (a) The passage or defeat of any legislation by the Congress of the United States. (b) To influence, directly or indirectly, the passage or defeat of any legislation by the Congress of the United States." (Italics mine)

Section 305 states that every person receiving any contributions or expenditures for the purposes designated in (a) or (b) of section 307, shall file with the clerk of the House of Representatives only, between the first and the tenth day of each calendar quarter, a statement containing the name and address of each person who has made a contribution of \$500 or more, and the name and address of each person to whom an expenditure of \$10 or more has been made, with the amount, date, and purpose of such expenditure. The clerk of the House supplies Form A for the information required under this section.

In section 308, the act requires any person who engages himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation to register both with the clerk of the House and the secretary of the Senate "before doing anything in furtherance of such object." The registrant must state his name and business address, the name and address of the person by whom he is employed and in whose interest he appears or works, the duration of such employment, how much he is paid and to receive, by whom he is paid or is to be paid, how much he is to have for expenses, and what expenses are to be included. Form B is supplied by the clerk and the secretary for this information.

Each person who registers in accordance with section 308 between the first and tenth day of each calendar quarter, must also file with the clerk and the secretary, so long as his activities continue, a detailed report "of all money received and expended by him during the preceding quarter calendar in carrying on his work; to whom paid; for what purpose; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose." Successive reports within a calendar year must be cumulative. This information is filed on Form C. All reports and statements under the lobbying act must be made under oath (section 309).

All information required to be filed under the provisions of section 308 is to be compiled by the clerk and the secretary, acting jointly, as soon as practicable after the close of the calendar quarter, and printed in the *Congressional Record*. The statements required by the title are to be preserved for a period of two years, and to be open to public inspection during this interval (section 306). Any person who violates the provisions of this

title, upon conviction, is guilty of a misdemeanor and may be punished by a fine of not more than \$5,000 and/or imprisonment for not more than twelve months. Such convicted person is also debarred for a period of three years from influencing, directly or indirectly, the passage or defeat of legislation. Debarred lobbyists who continue their activities are guilty of a felony (section 310).

In section 308, the act further specifically exempts from its application (1) any person who merely appears before a committee of Congress in support of or opposition to legislation; (2) any public official acting in his official capacity; (3) any owner, publisher, or employee of a newspaper or other regularly published periodical acting in the regular course of business. Nor does the act apply to party committees or to practices and activities regulated by the Federal Corrupt Practices Act (sections 307 and 311). The Report of the Joint Committee on the Organization of Congress adds further that the lobbying title does not apply in any manner to persons who appear voluntarily without compensation, and concludes the category of exempt groups by stating that the law "does not apply to organizations formed for other purposes whose efforts to influence legislation are merely incidental to the purposes for which formed."¹⁸ An examination of the remarks of Representative Howard W. Smith on the floor of Congress, June 17, 1936, indicates that the Joint Committee took over the Congressman's exact words in noting this last exception.¹⁹

Many organizations have turned to this last statement in the Committee's report for clarification of legislative intent, and for an explanation of the words "principally" and "principal" in section 307. Their failure to comply with the provisions of sections 305 and 307 is based largely upon defining "principal" as "primary" or "major." There is little doubt that a literal reading of the provisions of the lobbying title presents a mass of contradictions and ambiguities. As a criminal statute, it is technically defective because such statutes are construed strictly and must define prohibited acts with certainty.²⁰

The Joint Committee on the Organization of Congress stated that section 307 defines the application of the title.²¹ Section 307, then, may be construed as conflicting with sections 305 and 308. As noted above, section 307 refers to anyone who solicits, collects, or receives money; section 305, however, is not limited merely to those who receive contributions, but

¹⁸ Senate Report No. 1400, 79th Cong., 2nd Sess., May 31, 1946, p. 27.

¹⁹ *Cong. Rec.*, Vol. 80, p. 9751.

²⁰ *Screws v. United States*, 325 U. S. 91, at p. 136: "It is axiomatic, of course, that a criminal statute must give a clear and unmistakable warning as to the acts which will subject one to criminal punishment. And courts are without power to supply that which Congress has left vague."

²¹ Senate Report No. 1400, 79th Cong., 2nd Sess., p. 28.

includes persons who *expend* money for such purposes. Does this mean, if section 307 controls, that that part of section 305 dealing with expenditures is superfluous? There are organizations which hold that they do not solicit or receive funds for the *principal* purpose of lobbying, but who nevertheless expend money in hiring professional lobbyists. The implementation of the act, during the first year, clearly demonstrated that many organizations are holding section 307 the key to the coverage of the act, thus exempting from the strongest provisions of the act organizations whose legislative activities are not their *principal* concern, and who are careful not to accept funds earmarked for lobbying.

The relationship of sections 307 and 308 is ambiguous. By its terms, section 308 appears to exclude the definitions of section 307. Section 308 covers engagements "for the purpose of attempting to influence the passage or defeat of any legislation." Many persons who have registered under this section call attention to the minor proportions of their time devoted to influencing legislation. In so doing, they are undoubtedly following the interpretation that section 308 does not stand alone, that section 307 qualifies this section as well, and that influencing legislation must be their "principal" activity before registration is required. However, section 308 should be construed as bringing within its scope persons paid for performing services if any part of that job—no matter how infinitesimal—is concerned with influencing legislation. To support this position, it is not necessary to go further than to point out that section 308 exempts from registration public officials acting in their official capacity. Except for a very small group of legislative representatives of public agencies, no reasonable interpretation could consider public officials as *principally* engaged in influencing legislation.²²

The legislative history of the bill does not establish beyond any doubt the intention or the aim of Congress. Representative Dirksen, a member of the Joint Committee on the Organization of Congress, stated on the floor of the House when the lobbying section was under debate:

"The question has been raised as to whether or not an organization that pays a man to be vigilant upon legislation here would have to schedule all of their assets and all of their receipts, and probably file a very long administrative record with the clerk of the House. That is certainly not the intention of the committee. There are some clarifying sections and some exclusions which you will find in section 308. . . . What we are trying to do here is to reach those whose principal purpose, not incidental purpose, but whose principal purpose is to come here and endeavor to influence the passage of legislation either by bringing about its defeat or its enactment."²³

²² For an examination and interpretation of the provisions of the Federal Lobbying Act, see the brief filed on January 28, 1948, by the National Association of Manufacturers in the District Court of the United States for the District of Columbia. See also *Columbia Law Review*, Vol. 47, Jan. 1947, pp. 98-109; *Yale Law Journal*, Vol. 56, Jan. 1947, pp. 304-332.

²³ *Cong. Rec.*, Vol. 92, July 25, 1946, p. 10138; on June 17, 1936, Representative

However, a wider purpose of the legislation was understood by Senator LaFollette, chairman of the Committee, as seen in his discussion with Senator Hawkes on the floor of the Senate, the day after Representative Dirksen made his comments:

"Mr. HAWKES: Mr. President, will the distinguished Senator from Wisconsin give me his opinion on one subject which has been brought to my attention by some of the finest organizations in the United States? They are somewhat concerned lest the provision in the reorganization plan against lobbying might be construed to apply to institutions such as the United States Chamber of Commerce, for instance, which was organized at the request of the President of the United States to assemble information and make it available for ready reference for members of his Cabinet and the various governmental agencies. I should like to have the Senator from Wisconsin express his opinion whether it affects these fine institutions which are a part of our business and industrial system in the United States.

"Mr. LA FOLLETTE: So far as any organizations or individuals are concerned, . . . it will depend on the type and character of activity which they undertake. . . .

"Mr. HAWKES: Just a moment, Mr. President. Would not the Senator from Wisconsin be willing to express an opinion regarding such organizations of years and years standing?

"Mr. LA FOLLETTE: I cannot tell the Senator whether they will come under the act. It will depend on the type of activity in which they engage, so far as legislation is concerned.

"Mr. HAWKES: Does not the bill contain language to the effect 'if they are organized to do a business of lobbying principally'? And does not that mean something to the Senator, who knows, of course, that there is not a business organization or chamber of commerce in the United States whose representatives do not come to see Senators and Representatives and interview them regarding legislation?

"Mr. LA FOLLETTE: It will all depend on the type of activity that is carried on. I cannot give the Senator a blanket interpretation."²⁴

Smith said: "It [the lobbying bill] does not apply to organizations formed for other purposes whose efforts to influence legislation are merely incidental to the purposes for which formed. . . ." (Cf. *Cong. Rec.*, Vol. 80, p. 9751.)

²⁴ Contrast this language with that of Representative Smith, who sponsored lobbying legislation ten years earlier: "The amendment proposes to change that language by striking out the words 'in whole or in part' and by inserting the word 'principally.' The reason for that amendment is, it was brought to my attention, and I think to the attention of other members of the committee, that there were many organizations of national scope who have large memberships of thousands and some of millions of members organized principally for other purposes than affecting legislation, but many of those organizations do from time to time become interested in legislation, and they undertake to do something about it. It was not thought necessary or proper that that class of organization, because a minor part of its funds were devoted to purposes of influencing legislation, should be required to report all of the dues of their hundreds of thousands of members, and for that reason this amendment is proposed so that it would not apply except where the money is collected for the principal purpose of undertaking to influence legislation or the election of Federal officers. . . ." Cf. *Cong. Rec.*, Vol. 80, March 27, 1936, p. 4535.

Unlike the bills sponsored by Senator Caraway in the 70th Congress and Senator Black in the 74th Congress, the lobbying act of 1946 does not specifically define lobbying. It may, of course, be construed that the acts and practices under the

It certainly would appear that the Joint Committee in 1946 was thinking of a broad application of the legislation, when in its report it listed the following three distinct classes to which the lobbying title applied chiefly:

"First: Those who do not visit the Capitol but initiate propaganda from all over the country in the form of letters and telegrams, many of which have been based entirely upon misinformation as to facts. This class of persons and organizations will be required under the title, not to cease or curtail their activities in any respect, but merely to disclose the sources of their collections and the methods in which they are disbursed.

"Second: The second class of lobbyists are those who are employed to come to the Capitol under the false impression that they exert some powerful influence over members of Congress. These individuals spend their time in Washington presumably exerting some mysterious influence with respect to the legislation in which their employers are interested, but carefully conceal from members of Congress whom they happen to contact the purpose of their presence. The title in no wise prohibits or curtails their activities. It merely requires that they shall register and disclose the sources and purposes of their employment and the amount of their compensation.

"Third: There is a third class of entirely honest and respectable representatives of business, professional, and philanthropic organizations who come to Washington openly and frankly to express their views for or against legislation, many of whom serve a useful and perfectly legitimate purpose in expressing the views and interpretations of their employers with respect to legislation which concerns them. They will likewise be required to register and state their compensation and the sources of their employment."²⁵

As an additional example of its broad intention, the Joint Committee, in its two reports on the Legislative Reorganization Bill, stressed pressure groups rather than the individuals employed by them.

"Mass means of communication and the art of public relations have so increased the pressures upon Congress as to distort and confuse the normal expressions of public opinion. . . . In order to enable Congress better to evaluate and determine evidence, data, or communications from organized groups seeking to influence legislative action, we recommend the adoption of legislation requiring the registration of all groups engaged and individuals employed in such activity."²⁶

statutes that require the filing of statements may be called lobbying. In Senate bill 1095 of the 70th Congress: "A lobbyist, within the meaning of this act, is one who shall engage, for pay, to attempt to influence legislation, or to prevent legislation, by the National Congress." In Senate bill 2512 of the 74th Congress: "Lobbying . . . shall consist of any effort to influence the action of Congress upon any matter coming before it, whether it be by distributing literature, appearing before committees of Congress, or interviewing or seeking to interview individual members of either House of Representatives or the Senate."

These definitions were patterned after the broader one in the House report of 1913, which defined lobbying as the "activities of a person or a body of persons seeking to influence Congress in any way whatever." Cf. House Report 113, 63rd Cong., 2nd Sess., 1913, p. 15.

²⁵ Senate Report 1400, 79th Cong., 2nd Sess., May 31, 1946, p. 27.

²⁶ Senate Report 1011, 79th Cong., 2nd Sess., Mar. 4, 1946, pp. 26-27.

And again, the Committee stated:

"A pressure-group economy gives rise to government by whirlpools of special-interest groups in which the national welfare is often neglected. . . . Without impairing in any way the right of petition or freedom of expression, Senate 2177 provides for the registration of organized groups and their agents who seek to influence legislation. . . . Full information regarding the membership, source of contributions, and expenditures of organized groups would prove helpful to Congress in evaluating their representations and weighing their worth. Publicity is a mild step forward in protecting government under pressure and in promoting the democratization of pressure groups."²⁷

Still another fact to note in defense of the broader intent of Congress in 1946 is that the lobbying title is part of an omnibus bill dealing with the improvement of the organization and operation of Congress, and did not come as a demand to check the predatory pressures upon that body.

Almost immediately after the lobbying title became effective, many organizations called upon their counsel for advice concerning the applicability of the statute. The Chamber of Commerce of the United States, in its long memorandum of interpretation, reasoned that it did not fall within the purview of sections 305 and 307, and consequently did not file under Form A. The memorandum added: "It should be noted, however, that even though the organization does not have lobbying as its principal activity, an employee or other person paid by the organization who has lobbying as *his* principal activity may be subject to the act."²⁸ Was the Chamber of Commerce playing safe when two of its representatives filed under Form B prepared for the information required in section 308—one of whom stated in his report that his salary was \$15,000 per annum, "although not more than one-fourth is paid for the 'principal purpose' of influencing legislation as defined in section 307"?²⁹

Some tax-exempt organizations were even more cautious, and filed no information under any of the forms for fear of jeopardizing their exemption under the Internal Revenue Code. For example, this is the legal advice given to one such organization:

"Since the principal purpose of the Anti-Defamation League is not to influence legislation, the mere publication of the Legislative Information Bulletin, even if it may be considered a publication which directly or indirectly affects Federal legislation, the ADL will not be compelled to register or file. The answer should be the same even in contemplation of the added factor of a Washington representative whose *incidental* purpose may be to influence Federal legislation. Section 101(6) of the Internal Revenue Code provides that a tax exempt organization loses its tax exempt status if a *substantial* part of the activity of such organization is the influencing of legislation. Such a provision may be important if the legislative activity of a tax-ex-

²⁷ Senate Report 1400, 79th Cong., 2nd Sess., p. 5.

²⁸ Memorandum dated Aug. 28, 1946, p. 6.

²⁹ *Cong. Rec.*, Vol. 93, Jan. 3, 1947, p. 52.

empty organization, or its Washington representative, becomes greater than that of merely 'incidental' activity."³⁰

On the other hand, counsel for the American Farm Bureau Federation recommended that the Federation and its employees, substantially active in influencing legislation, register under the forms supplied by the clerk of the House and the secretary of the Senate. "While considerable uncertainty exists as to the meaning and scope of the Lobbying Act, I am of the view that the only safe course which your organization can pursue is to register under the act." He argued that section 307 is "made decisive as to what persons or organizations must register under section 305. Unfortunately, section 307 is ungrammatical almost to the point of being unintelligible. . . ."³¹

III. OBJECTIONS DIRECTED AT THE ACT

The lobbying title shows poor draftsmanship in other respects. The sections do not constitute an integrated whole. There is every indication that the drafting was done hurriedly, with little fresh thinking on the problem. An examination indicates heavy dependence upon the bills introduced by Representative Howard W. Smith and Senator Hugo L. Black in the 74th Congress, ten years earlier, and the lobbying title of the Legislative Reorganization Act of 1946 is only a slightly modified version of these earlier bills.³² Occasionally words are used loosely; for example, a broad definition is given of a "person" in the introductory section of the title, and yet in sections 304 and 308 "individual" is used where "person" would appear to be more accurate. Furthermore, it would be difficult to understand how an association under this broad definition of "person" could be punished by imprisonment, unless individual members of the group were held responsible, in which event a serious question of deprivation of constitutional rights could be raised. There are unclear, and what appear to be contradictory, references to the Federal Corrupt Practices Act in sections 307 and 311. Section 307 exempts from the provision of the lobbying title, "duly organized state or local committees of a political party." Section 311 states that "this title shall not apply to practices or activities regulated by the Federal Corrupt Practices Act." If any reference at all

³⁰ However, subsequently Paul Richman filed under Form B and stated that he was employed by the Anti-Defamation League of B'nai B'rith and that he "devotes less than five per cent of his time, if any, to activity within the terms of the statute." Cf. *Cong. Rec.*, Vol. 93, May 12, 1947, p. 5210.

³¹ F. E. Lee to Donald Kirkpatrick, Nov. 26, 1946. The American Farm Bureau Federation filed quarterly A reports in 1947, and four individuals, including the president, filed B reports, indicating annual salaries totalling \$37,000. Each of these four representatives also filed quarterly expense statements under Form C.

³² H.R. 11223 and H.R. 11663 and S. 2512, all 74th Cong. See House Reports 2081 and 2925, 74th Cong., 2nd Sess., and *Cong. Rec.*, Vol. 80, p. 4535.

to the Corrupt Practices Act is necessary here, it should be a simple statement exempting the political committees of all legally recognized parties from the provisions of the lobbying act. Others may be required to file under the Lobbying and Corrupt Practices Acts, depending upon their activities.

The President received the bill at the fag end of the session and signed it without detecting a typographical error that had slipped into the bill while it was being engrossed. In section 304, the word "rendered" was used instead of "render." The clear intention was that every person who receives contributions of \$500 or more for the purpose stated in the law, "shall within five days after receipt thereof *render* to the person or organization for which such contribution was received a detailed account thereof. . . ."³³ Unimportant as this error was, it received considerable unfriendly newspaper notice. In fact, on two occasions, two newspapers dealt with it exclusively. The *Boston Globe*³⁴ stated: "In any event, an act of Congress will be required to correct the mistake, and lobbyists subject to registration may take advantage of the situation and delay signing up." The *Buffalo News*³⁵ concluded its remarks on the matter this way: "You can never tell when a tense situation will be rendered past, present, or future on Capitol Hill."

Vigorous opposition was directed against section 308 of the statute because it exempts from its purview "any public official acting in his official capacity." This opposition to the exempting of "tax-paid lobbyists" was voiced by a number of organizations at the time they filed their own reports under protest, or while questioning the applicability of the law to their particular organizations. On October 9, 1946, the representative of the National Physicians Committee for the Extension of Medical Service wrote to the clerk:

" . . . the proponents of the legislation in question have indulged in every form of propaganda and publicity they have been able to devise, including the most venomous and unfair attacks, in the leftist press and otherwise, on the National Physicians Committee and its personnel. This propaganda has, in the main, originated in and stemmed from certain branches of our Federal government where there are long established and well entrenched groups of professional bureaucrats, with distinctly collectivist leanings, who are completely committed to the cause of socialized medicine and all that it entails.

"These propagandists, with the resources of the United States treasury behind them, can and do flood the magazines and newspapers with press releases, in addition to the millions of government bulletins and publications that are constantly going out to the general public, all at public expense. But, by the express terms of the Lobbying Act, these bureaucrats are not "lobbyists"; they need make no reports

³³ The term "render" appeared in the bill read to the House of Representatives. Cf. *Cong. Rec.*, July 25, 1946, p. 10137. "Render" also appears in section 3 of H.R. 11223 (74th Cong.) and H.R. 11663 (74th Cong.).

³⁴ Aug. 10, 1946.

³⁵ Aug. 13, 1946.

and are subject to no penalties regardless of the millions of dollars of Uncle Sam's money they see fit to spend, or however they spend it."³⁶

In its memorandum on the lobbying law, the Committee on Constitutional Government, a private organization, said:

"If Congress were properly concerned about lobbying, it might and should long ago have dealt with lobbying by the bureaus set up by the President and itself. For it was shown by Representative Gross of Pennsylvania (*Cong. Rec.*, Mar. 19, p. A1583) that 'the worst and most persistent lobbying comes from the various bureaus within the Government in their effort to perpetuate themselves.' As one of the several illustrations, he mentioned that when Secretary Ickes appeared before the Insular Affairs Committee he was surrounded by 19 lieutenants. . . . We just recently saw the spectacle of the O.P.A. whipping Congress to a standstill and dictating to the President. During the debate, Senator Taft exhibited (July 9, p. 8569) the O.P.A. as the worst of all lobbyists, using the radio and propagandizing in a highly organized manner, even reaching into the schools. The bureaucrats were so impudent that they burnt Taft in effigy in Ohio three times."³⁷

There is, of course, ample precedent, in states with lobbying legislation, for exemptions of public officials who, in their official capacity, attempt to influence legislation. Furthermore, the purpose of lobbying legislation is to identify the many private organizations and their agents who are engaged in promoting or opposing legislation. Surely the Congress has other effective means at its disposal—for example, the power of the purse—to discipline such representatives of the federal agencies who, with too much zeal, or in other objectionable ways, go about the business of influencing the legislation they are expected to administer. It would seem that appropriate local-government agencies, not to mention the constituents of elected local officials, could adequately discipline state and local officials who use objectionable methods in influencing federal legislation. It would seem reasonable, however, to withhold exemption of the provisions of the lobbying title from associations of public officials, supported in whole or in part, from private sources.

It has been charged also that the lobbying law is unconstitutional because it violates Amendments I and IV of the Constitution of the United States—that the act is in contravention of the specific constitutional requirements that freedom of speech and the right to petition the government shall not be abridged. One organization further claimed:

³⁶ See also *New York Times*, Oct. 18, 1946, and *Philadelphia Inquirer*, Oct. 21, 1946. E. H. Cary, chairman of the National Physicians Committee, testified on April 19, 1946, before the Senate Committee on Education and Labor that his group had spent \$905,359 on various forms of educational work during the last five years. The Committee reported expenditures of \$200,541.63 for the first nine months of 1947 under the Federal Lobbying Act.

³⁷ First memorandum on Regulation of Lobbying Act, p. 3, probably late August, 1946. The Committee for Constitutional Government reported under the Lobbying Act expenditures of \$465,080.97 for the period August 2, 1946, through June 30, 1947, but gave no information on contributors.

"The requirements of this lobbying act . . . make a system of search of the books, records, and papers of the citizen without probable cause, supported by oath or affirmation, in violation of the Fourth Amendment. The records which the Act prescribes to be kept by the citizen are to be used against him when occasion offers. . . . In the courts of the States, as well as in the Federal courts, the constitutional provisions protecting the citizen against unreasonable searches are liberally construed in favor of the man. . . . Wherever there is a lack of jurisdictional oath, or of absolute clarity as to 'the place to be searched, and the persons . . . or things to be seized,' the man wins."³⁸

This is a grave charge, and it seems difficult to substantiate it. It may be in order to question the relevancy of injecting the Fourth Amendment into the discussion, and of the reasoning on the part of those who try to make out a case against this federal law by citing a series of Supreme Court decisions involving that amendment but bearing questionable relation to this problem.³⁹ Twenty-five states now require lobbyists to register, and seventeen of these also require the filing of expense statements. Are pressure groups so influential in these states as to be largely responsible for the lax enforcement of these laws, and hence find it unnecessary to raise objections to them on constitutional grounds or any other?

Surely the regulation of the lobby does not interfere with the constitutional right of free speech, or free press, or the right of petition. It denies to no one the high right of appeal to Congress or to the public for the purpose of influencing legislation.⁴⁰ Penalties are provided for those who fail

³⁸ Memoranda on "Regulations of Lobbying Act" of the Committee on Constitutional Government, p. 3 of the first memorandum, and p. 4 of the second.

³⁹ Cases cited in the two memorandums prepared for the Committee for Constitutional Government include *Boyd v. United States* (1886), 116 U. S. 616; *Kilbourn v. Thompson* (1881), 103 U. S. 168; *Sinclair v. United States* (1929), 279 U. S. 263; *Interstate Commerce Commission v. Brimson* (1894), 154 U. S. 447; *Federal Trade Commission v. American Tobacco Company* (1924), 264 U. S. 298; *Hale v. Henkel* (1906), 201 U. S. 43; *McGrain v. Daugherty* (1927), 273 U. S. 135; *Jones v. Securities and Exchange Commission* (1936), 298 U. S. 1. The brief filed by the National Association of Manufacturers in the United States Federal Court in Washington, D. C. on January 28, 1948, also holds that the lobbying title is in conflict with the Constitution.

⁴⁰ Senator McClellan, who preferred a lobbying bill limited to professional lobbyists, viewed the lobbying title before passage as a possible violation of civil liberties: ". . . I should not be willing to pursue that purpose so far as to prevent the president of the Federal Farm Bureau, or the president of the C.I.O., or the president of the A. F. of L., or the president of the Farmers Union, or the secretary of the Chamber of Commerce, . . . from coming to Washington and conferring with their congressional delegation unless they agreed to register and to report as professional lobbyists. I do not think the legislation should go that far . . . I think it is probably an abridgment of the civil rights of our citizens and our constituents, when and if the law does go that far . . . I do not think we have a right to say to any citizen of our State that, as a citizen of the State, he cannot, without becoming a criminal because of violation of this proposed law, contact his Senator or his Representative in Con-

to comply. Of course, one of the objectives of the law is to put the whole game of pernicious lobbying out of existence and the bad pressure boys out of work. This legislation may be regarded as a curb against abuse of petition, as laws of libel and slander are in the case of freedom of speech and of press. It seems doubtful that section 310(b) debarring a convicted person from engaging in lobbying for a period of three years would be considered unconstitutional either as a bill of attainder or as violative of due process. However, it is difficult to see how this penalty can be applied to associations as "persons." No constitutional question has been raised in those seven states that have similar provisions for debarment.⁴¹

A further complaint is made that the lobbying act does not go far enough. For example, the American Legion and its legislative representatives, who filed promptly under all three forms, complain (1) that the names and addresses of contributors of \$499 or lesser amounts do not need to be reported; (2) that many "witnesses" who appear before committees are "lobbyists" and "should be required to state under oath on whose authority they are testifying, and also to state in detail whether they received any travel expenses or other gratuities for their testimony, with the amounts thereof," (3) that all lobbyists who claim to represent organizations submit sworn statements as to their membership and by what authority they speak for such membership.

In connection with the first point, while some abuses may be practiced in the collection of contributions under \$500, it would appear inadvisable to change this figure. The listing of names and addresses of thousands of persons whose contributions may really be dues paid by members of legitimate associations should not be required or encouraged. In respect to the second recommendation of the American Legion concerning witnesses before committees, rules of the two houses can adequately meet this desirable suggestion. The Legion's third suggestion can be met by amending the statute to require such information to be furnished preferably by the organizations, rather than by their paid legislative agents. It is evident that the lobbying title stresses the financial background of lobbyists rather than the representative character of the organization, or the processes by which its decisions are reached.⁴²

gress and discuss with him legislation in which he or his organization is interested, unless he registers and acknowledges himself to be a lobbyist." Cf. *Cong. Rec.*, Vol. 92, June 10, 1946, p. 6678.

⁴¹ Kansas, Maryland, Massachusetts, North Dakota, Rhode Island, South Dakota, Wisconsin. See Belle Zeller, "State Regulation of Lobbying," *The Book of the States, 1948-49*, pp. 129, 130.

⁴² That the latter was also the intention of the Joint Committee on the Organization of Congress may be seen from its report, Senate Report 1400, 79th Cong., 2nd Sess., p. 5.

Lastly, another complaint directed against the act is that it goes too far—that it is built on the unwarranted assumption that all persons who collect money for the purpose of lobbying may use it in degradation of public policy, and that therefore all persons should be treated as potential wrong-doers. It would be difficult to produce rational evidence supporting this charge. The lobbying title does not draw a distinction between good and bad lobbying. Its aim is to stress the public character of those who participate in influencing legislation.

Wide coverage was given to the Legislative Reorganization Act by the newspapers of the country after the President affixed his signature to the bill. On the whole, the press, in both its news and editorial columns, received Congress' attempt to regulate the lobby favorably. The *Cleveland Plain Dealer* commented editorially on August 2, 1946: "Since most legislation is sought or opposed by special interests, it is well to have these special interests identified, and it is better to have the representatives of the special interests conduct their activities in the open rather than in secret and sometimes mysteriously. Thus it appears that Congress has not only reorganized itself but has brought about a reorganization of the lobbyists." On the following day, the *Journal of Atlanta* (Georgia) said that "the requirement that lobbyists register and disclose the source of their funds will curb, though not eliminate, an ancient American disgrace." The *Washington Post*, in an editorial entitled "Goldfish Bowl Lobbying," noted that "legislators will be able to distinguish more clearly than ever before the plea of organized money from that of individual citizens."⁴³ On the other hand, a number of newspapers, through feature stories, highlighted the vague terminology in the legislation under headlines that read: "New Lobby Law Spreads Confusion,"⁴⁴ "Lobbying Law Stirs Confusion in Washington—Many Puzzled Groups Ask Lawyers if They Must Register under New Act,"⁴⁵ "Lobbying Law Goes into Effect, but Exact Meaning is not Clear,"⁴⁶ "Lobbyists Slow to Register,"⁴⁷ "What's a Lobbyist?"⁴⁸

IV. ADMINISTRATION OF THE ACT

How has the lobbying title in the Legislative Reorganization Act been administered, particularly during the first year after it took effect on August 2, 1946?⁴⁹ With the 79th Congress already adjourned on this date,

⁴³ Aug. 26, 1946. ⁴⁴ *New York Times*, Aug. 10, 1946.

⁴⁵ *New York Herald Tribune*, Aug. 4, 1946.

⁴⁶ *St. Louis Post Dispatch*, Sept. 22, 1946.

⁴⁷ *Journal Gazette*, Fort Wayne, Ind., Oct. 10, 1946.

⁴⁸ *Chicago Times*, Sept. 13, 1946.

⁴⁹ The writer has had opportunity to examine, periodically, the reports filed under the provisions of the Lobbying title with the clerk of the House of Representatives and the secretary of the Senate, to talk directly with persons in these offices and

and after numerous inquiries, the clerk of the House of Representatives announced that the Lobbying title would take effect at once.⁵⁰ To aid in both the interpretation of and compliance with the act, the clerk's office, in consultation with the secretary of the Senate, promptly prepared the three forms, A, B, and C, on which the information was to be set forth.⁵¹

Replies in the negative were given by the clerk and the secretary for administrative rulings or opinions relating to the interpretation and enforcement of the act. An early conference after the title became law between the clerk and the Attorney-General resulted in no official interpretation by the Justice Department.⁵² It was deemed advisable to let the new statute take its course, permitting the courts to render decision, should a test be made.⁵³

The following reply is typical of the clerk's interpretation:

"The provisions of this act appear to be quite clear as to its interpretation. There remains only the possession of detailed knowledge as to the activities of a person . . . in order to apply the test very specifically set forth in the Act. It is the opinion of this office that such a determination should be made by the person who believes he may come within the provision of this law, and that the Clerk of the House should

with those responsible for the drafting of the legislation, to examine the memorandums of interpretation and advice prepared by counsel for a number of organizations affected by the legislation, to communicate by telephone and letter with some of the counsel and with a larger number of the Washington lobbyists themselves, to examine the press coverage from coast to coast on this Lobbying title, and in some instances to talk directly with the Washington press correspondents.

⁵⁰ *New York Times*, Aug. 10, 1946. Unlike other titles in the Legislative Reorganization Act, Title III provided no specific date on which it was to take effect.

⁵¹ In this connection, counsel for the American Farm Bureau Federation commented: "The simplification which the Secretary and the Clerk have thus undertaken is advantageous to persons required to register under the Act, except that Form A, which is for use by organizations, states that it is filed under section 307, thus implying that any organization filing it is engaged *principally* in lobbying." Cf. letter of F. P. Lee to Donald Kirkpatrick, Nov. 26, 1946.

⁵² Interview with H. Newlin Megill, acting clerk of the House of Representatives, Dec. 6, 1946; *United States News*, Vol. 31, Sept. 6, 1947, p. 70.

⁵³ It was disclosed on December 25, 1947, that the United States Attorney-General had earlier appointed Irving R. Kaufman as his special assistant to conduct an investigation of lobbying activities. Cf. *New York Times*, Dec. 26, 1947, and interview with Irving R. Kaufman, Jan. 2, 1948. On Jan. 14, the Attorney-General announced that he had given Mr. Kaufman written authorization to appear before the grand jury in cases warranting prosecution; and on March 23, it was disclosed that a grand jury in Washington, D. C., had started receiving evidence from the Department of Justice on alleged violations of the Lobbying Act. Cf. *New York Herald Tribune*, March 24, 1948. On March 30, 1948, this grand jury indicted the United States Savings and Loan League. Cf. *New York Times*, March 31, 1948. On January 28, 1948, the National Association of Manufacturers followed what appears an unusual course when it appealed to the federal district court in a civil action for an injunction to enjoin enforcement of the Federal Lobbying Act, which is a criminal statute.

not make a decision for him. For your complete information, additional copies of the forms developed by this office to assist persons in complying with the provisions are herewith. These forms by their very nature tend to simplify the process of understanding the application of this law."⁵⁴

On another occasion the clerk returned a registration on Form A with the advice "that it should perhaps properly be filed in the name of the organization and sworn to by you as the agent thereof." And again a Form A was returned because it reflected no information. "It would appear," said the clerk, "that such a form should be filed by the person . . . with whom you are associated, if they are receiving any contributions or expending any money for the purposes designated in paragraphs (a) and (b) of Section 307. . . . In such a case, a statement by an organization should reflect some type of receipt or some type of expenditure or some information."⁵⁵ However, this procedure was soon changed. The clerk now files all reports, regardless of the nature of their contents.

The clerk made the following reply to the request of the representative of the People's Lobby for postponement in filing his financial statement: "I note that your basis for this request is your present illness. There is no authority that lodges with the Clerk of the House in the administration of this act that would permit him to vary the requirement of this statute."

One barometer for measuring compliance is the number of registrations under the lobbying title during its first year. A total of 216 different organizations filed a total of 450 entries with the clerk of the House under Form A.⁵⁶ These quarterly reports ranged from one to four for each organization, and, unlike the data filed on Forms B and C, are not published in the *Congressional Record*. Furthermore, the data supplied on Form A, pertaining to the first three questions on amount and sources of contributions are meager indeed. Fuller information is supplied in answer to the last three questions concerned with the expenditures of the associations. On the other hand, too many among the 216 organizations that filed at least once during the year on Form A gave no information at all—"none" or blank spaces appearing in answer to all six questions.⁵⁷

Many itemized expenditures, even of less than ten dollars, appear on

⁵⁴ Clerk to Edward A. Rumely of the Committee for Constitutional Government, Inc., Oct. 10, 1946. The same advice was repeated subsequently by the clerk to officers of the organization. On July 8, 1947, Mr. Rumely wrote the clerk ". . . I protest that I am not under any legal obligation to file reports under said Act, and again request a ruling on this question for future guidance."

⁵⁵ South Trimble, clerk of the House of Representatives to Charles E. Sands, Nov. 20, 1946.

⁵⁶ By January 31, 1948, an additional twenty-one "persons" filed under Form A.

⁵⁷ Among such organizations were the National Farmers Union, the United Fresh Fruit and Vegetable Association, the Institute of Cooking and Heating Appliance Manufacturers, and the United Health League.

separately attached sheets. These statements should, and most of them do, include the expenses incurred by the lobbyists employed by the association. However, if the lobbyists' expenses are included on Form A, this does not absolve the lobbyists from registering under B and C.⁵⁸

Among the organizations that indicated in detail not only all expenditures, but also the contributors with their names, addresses, and the amounts given, was the Citizens Committee on Displaced Persons. The chief concern of this organization, which employed twenty-seven registered lobbyists, was to procure passage of the Stratton Bill (H.R. 2910). The Committee reported on Form A that during the first six months of 1947 it received contributions amounting to \$236,753.25 and disbursed \$185,431.45.

The following list gives a representative sampling of the amounts reported to have been spent by associations during the first six months of 1947:

American Federation of Labor (in campaign to defeat Taft-Hartley Bill).....	\$819,648.18
Committee for Constitutional Government, Inc.....	248,505.58
Townsend National Recovery Plan and Weekly.....	236,599.42
National Physicians Committee for the Extension of Medical Service.....	135,367.86
National Association of Electric Companies.....	126,039.75
National Home and Property Owners' Foundation.....	77,333.82
Southern States Industrial Council.....	51,686.95
Southern Pine Industry Committee.....	34,988.23
American Legion.....	29,788.22
Unemployment Benefit Advisors.....	25,157.79
American Farm Bureau Federation.....	23,097.12
Sea Air Legislative Committee.....	21,326.20
National Association of Cooperatives.....	21,119.35
National St. Lawrence Association.....	20,381.05
Central Valley Project Association.....	18,306.38
American Medical Association.....	15,174.11
Christian Amendment Movement.....	9,875.40
American Library Association.....	7,990.17
National Conference of Railroad Investors.....	7,525.83
The People's Lobby.....	6,694.10
National Federation of Post Office Clerks.....	6,283.66
North Dakota Resources Board.....	4,978.21
Western Defense Housing Company.....	4,848.08
American Parents Association.....	3,372.59
Federation of American Scientists.....	3,007.67

⁵⁸ For example, J. Byron Wilson, chairman of the legislative committee of the National Wool Growers Association, filed no B or C statements. He is reported to be one of the best known lobbyists on the Hill. The National Wool Growers Association, however, did report on its Form A, filed on July 9, 1947, that Mr. Wilson spent a total of \$2,457.22 during the first two quarters of 1947, but made no mention of his annual salary. His colleague, J. M. Jones, secretary of the Association, did file under B and C.

Irrigation Districts Association of California.....	2,576.22
American Veterans of World War II.....	494.20
National Committee for Strengthening Congress.....	248.20
Legislative Bureau of the Communist Party, USA.....	34.95

Twenty-two organizations that filed under Form A had no record of having hired legislative agents. This, of course, is entirely possible under the lobbying act, as the following statement, attached to the Form A of the Committee for United States Information Abroad indicates: "This is a volunteer committee composed of prominent individuals who are publicly supporting legislation to continue a United States Information program abroad. It has no paid employees other than the office staff listed in the enclosed form A; therefore, we are returning the blank forms B and C."

Even among the organizations that filed under A are a number which registered under protest or with reservations. For example, the American Library Association filed Form A with a statement that although this association "... is of the opinion that the provisions of this Act do not apply to its activities, we feel that the purpose of the Act merits the cooperation of every association in the United States and is, therefore, complying with the requirements as a matter of policy."⁵⁹

The National Association of Electric Companies stated that it was very "unwillingly" filing Forms A, B, and C "... for the information of the Congress of the United States under Title III of the Legislative Reorganization Act of 1946, but seriously questions whether and to what extent that Act applies to this Association. The scope of that Title is not clearly stated, and the forms have been prepared without the benefit of official interpretation."

However, it is the information required under Form A rather than B and C that throws important light upon the organizations that influence legislation—although occasionally the registrant under B gratuitously gives information about the association employing him. The data required in Form A emphasize what the state lobbying laws disregard, namely, that it is more important to know something of the structure, finances, and policy-making machinery of the organization than of the activities of the lobbyist employed by the pressure group.

Thus a cardinal weakness in the administration of the Lobbying title must be judged by the failure of organizations to file under Form A (some of the most powerful and influential associations are in this category); and secondly, by observing that in many cases very meager information was supplied by organizations that did file.

⁵⁹ However, the American Library Association listed its expenditures but not its contributions on its four quarterly Forms A. Letter of Carl H. Milam, executive secretary, to Leslie F. Biffle, secretary of the Senate, Oct. 10, 1946.

On Form B, 845 different registrants recorded 677 "persons" as their employers.⁶⁰ If a liberal interpretation had been given to the word *principal* in section 307, the correlation would have been higher between those who filed under Form A in accordance with sections 305 and 307 and the employers of Form B registrants reporting under section 308.⁶¹ These 677 organizations employed a total of 1,058 legislative agents. Included among this latter figure were 74 who recorded that they were employed by more than one person. In fact, these 74 represented 287 organizations and individuals. The record is held by Walter F. Woodul, who represented 24 railroads in Texas, Missouri, and California, and the Imperial Sugar Company of Texas. James E. Curry, representative of 18 Indian tribes, is promised ten per cent of all recovery in claims plus "reasonable fees for other work." Stephen Walter represents 14 different power companies.⁶²

The registration figures also disclose that a number of associations have in their employ at the same time more than one person who is responsible for the group's legislative work. The record is held by the Townsend National Recovery Plan. Thirty-four different individuals from twenty-five states filed under Form B and indicated the Townsend National Recovery Plan as the organization in whose interest they were working. While some of the Townsend registrants indicated they were paid a flat salary of \$50 or \$75 a week, eighteen others indicated that they received as commissions from 25 to 50 per cent of the financial contributions or dues of members in their respective states. The employees at the national headquarters in Cleveland listed salaries ranging from \$4,000 to \$7,800 and additional expense allowances.⁶³ The Citizens Committee on Displaced Persons followed the policy of having all of their 27 employees, including office and field workers, file individual registrations on Form B, and thus a total payroll of \$165,000 annually was recorded. It seems unnecessary to add that the number of lobbyists employed by any one organization does not indicate its strength or influence. Congress has not adopted the program advocated by the Townsend Plan, nor did the Stratton Bill, urged by the Citizens Committee on Displaced Persons, become law in 1947.

⁶⁰ See *Cong. Rec.*, Vol. 93, Jan. 3, 1947, Feb. 5, 1947, May 12, 1947, Aug. 15, 1947.

⁶¹ Although by January, 1948, a thousand lobbyists had registered, they represented a total of about 750 employer organizations and individuals. See *Cong. Rec.*, Vol. 93, Nov. 17, 1947; Vol. 94, Jan. 29, 1948.

⁶² It is possible that among these 74 registrants are some who terminated their services with one organization before being employed by another. This may apply to those who filed at different times under Form B. A specific statement of termination of employment should be required on Form C.

⁶³ On Form A, the Townsend National Recovery Plan, Inc., reported for 1946 contributions of \$216,146.34 and expenditures of \$584,833.47.

Significantly, former government employees were registered as lobbyists, but not to the extent that one would expect after reading the statements of the late Senator Caraway.⁶⁴ The statements filed under the lobbying statute during its first year disclosed that eight former members of Congress were registered, and several former officials of the federal administrative branch.⁶⁵

Sixty-five women are numbered among the 845 individuals who registered as lobbyists. It has been estimated that their total salary is about \$170,000 per year in a field of employment that is reputed to draw down in salaries four or five million dollars annually. The highest salary reported for a woman lobbyist was \$7,000 per annum, and the next highest was \$6,400.⁶⁶ The majority of the women lobbyists, however, draw annual salaries ranging from \$3,000 to \$4,000. Three make less than \$1,500 a year, while a number of the women are volunteer workers drawing no salary, but only necessary expenses. The largest number of women registered for a single organization is the ten employed by the Citizens Committee on Displaced Persons.⁶⁷

The highest salary on record is \$65,000 paid to Purcell L. Smith by the National Association of Electric Companies, who stated: "On the basis of the activities of the Association to date, I estimate that not over 25 per cent of my time is spent on legislative matters within purview of the act."⁶⁸ The runner-up is Stephen M. Walter with an annual salary of

⁶⁴ House Joint Resolution 227, 70th Cong., undertook to prohibit former members of Congress from engaging in the practice of lobbying, but the resolution did not pass.

⁶⁵ Former congressmen were Albert E. Carter, employed by the Pacific Gas and Electric Company at \$12,000 per annum; John A. Danaher of Connecticut, Revere Copper and Brass, Inc., at \$25,000 per year; Wesley E. Disney of Oklahoma, National Gas Association of America, at \$10,000 per year plus legal fees from other groups; Winder R. Harris of Virginia, Shipbuilders Council of America, at \$15,000 per annum; Fritz G. Lanham of Texas, National Patent Council, State Rights Association, and others, at a total of \$16,000 per year; Robert Ramspeck of Georgia, Air Transport Association of America, at \$25,000 per year; H. Jerry Voorhis of California, Coöperative League of the United States of America, at \$7,500 per year; Clifton A. Woodrum of Virginia, American Plant Food Council, Inc., at \$36,000 per annum.

Prominent among the other former public officials were Samuel Rosenman, employed by the Associated Fur Coat and Trimming Manufacturers, Inc., at \$40,000 per year; and William P. MacCracken, Jr. employed by Remington Rand, Inc., at \$12,000 per year, while his services to the American Optometric Association are paid for from time to time, the amount depending upon the nature of the work and the time involved.

⁶⁶ These salaries are paid, respectively, to Margaret K. Taylor by the National Coöperative Milk Producers Federation and Hilda W. Smith by the Committee for the Extension of Labor Legislation.

⁶⁷ In addition to the list published in the *Congressional Record*, see *New York Herald Tribune*, May 15, 1947. ⁶⁸ *Cong. Rec.*, Vol. 93, Jan. 3, 1947, p. 54.

\$52,000, while Ernest W. Greene is paid \$45,180 per annum as agent for the Hawaiian Sugar Planters Association.⁶⁹ Top labor leaders, as William Green and Philip Murray, have not registered as lobbyists for their respective organizations. However, three legislative agents for the American Federation of Labor registered, each with \$7,280 per annum salary, and two for the C.I.O. at salaries of \$6,000 and \$4,820. It is perhaps superfluous to note that some salaries are very low indeed, one registrant recording five dollars a year from the District of Columbia Federation of Women's Clubs. There are also a number of volunteers, even among the male representatives who have registered, although a reading of section 308 of the Lobbying title would appear to exempt agents not employed for compensation.⁷⁰

Approximately 400 of the nearly 700 employers of registered legislative agents came from various categories of business, whereas about 75 were labor and government employee associations. Agricultural, veteran, professional, civic, and miscellaneous groups made up the remainder.

A check of the addresses of "persons" employing lobbyists indicated that all but seven states of the Union were represented, as well as the following territories: Alaska, Puerto Rico, and Hawaii. In addition, organizations with addresses in Mexico, the Netherlands, Egypt, Cuba, and the Canal Zone employed registered lobbyists. About 172 organizations have Washington, D. C., addresses; 107, New York addresses; Illinois comes next with 43; then California and Texas with 35 each. It has been estimated that there are about three thousand lawyers in Washington, D. C., more per capita than in any other city in the country. A large number of the lawyers with District addresses represent, as registered lobbyists, not only organizations located in the District, but also organizations with addresses elsewhere in the country, in the territories, and in foreign countries.

Sixteen legislative agents during the first year requested that their registrations be cancelled. Undoubtedly several more of the 845 registered lobbyists terminated their services without specifically notifying the clerk of the House of Representatives or the secretary of the Senate. In these cases, one could assume that the failure to file the quarterly financial report would indicate that their services as lobbyists were at an end. The clerk so ruled in reply to the request of Samuel Rosenman to "withdraw"

⁶⁹ Representatives of the Association of American Railroads and the United States Beet Sugar Association are each paid annual salaries of \$40,000.

⁷⁰ One Jostus R. Moll recorded that he received "no money or other valuable consideration" from the Frisco System Board of Adjustment, except the payment of his annual dues, and he even paid his own expenses. He added: "In addition to said consideration, I hope to receive as other 'consideration' mentioned in the statute, the continued loyalty and gratitude of the membership of Frisco System Board of Adjustment (or any other bona-fide labor union) in return for my efforts."

his registration because his activities in connection with the specific legislation for which he represented the Associated Fur Coat and Trimming Manufacturers had come to an end with its enactment. In reply, the clerk stated: "The act requires persons registered to file quarterly reports as long as they are engaged in the activity, and therefore failure to file such quarterly reports is a notice of withdrawal of registration pursuant to the Act."⁷¹

In answer to the question on Form B, "the duration of such employment," either a fixed termination date was stated, or, more frequently such replies as "indefinite," "at will," "undetermined," "permanent," were recorded. One of the representatives of the American Federation of Labor, in answer to this question, said: "Until fired, resigned, retired, or dead."⁷² A Reverend James C. Olden recorded that he was working for the American Negro "until the problem is solved," and that he was supported in these labors by "free will offerings of churches and interested individuals."⁷³

The number of reports on Form C listing the quarterly expenditures of individual lobbyists has increased with each quarterly compilation. For example, 149 filed for the first quarter, 198 for the second, 539 for the third, 631 for the fourth, making a total of 1,517 who filed Form C during this first year.⁷⁴

Most of the lobbyists have complied with the filing of their quarterly financial statement, although some statements came in slowly. In a number of cases, statements have been filed for two quarters at the same time. Furthermore, in a few cases, legislative agents have erroneously used Form A instead of C for their personal filing records. This confusion undoubtedly was caused by the use of the word "person," which normally means an individual rather than an association.⁷⁵ Financial statements are not required for any quarter in which the lobbyist did no lobbying. However, a few lobbyists prefer to file the C form and state, for example: "No participation in lobbying during second quarter, and I shall not be lobbying on labor legislation as set forth in first-quarter report."⁷⁶

The statute recognizes the importance of publications in promoting

⁷¹ Apr. 8, 1947. It is evident that it would be well if some provision were made on Form C specifically calling for a statement of resignation or cancellation.

⁷² *Cong. Rec.*, Vol. 93, Jan. 3, 1947, p. 49.

⁷³ *Cong. Rec.*, Vol. 93, May 12, 1947, p. 5209.

⁷⁴ The last two quarters covered the first six months of the 80th Congress. By the end of Jan., 1948, 2,592 filed on Form C.

⁷⁵ For example, this was done by Charles E. Saltzman, who represented the New York Stock Exchange until he resigned in July, 1947, to become Assistant Secretary of State.

⁷⁶ Entries for Herman M. Booth, Jr., in *Cong. Rec.*, Vol. 93, May 12, 1947, p. 5216, and Aug. 15, 1947, p. A4468.

legislation. Form C therefore asks for "the name of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials." In the overwhelming number of cases, either "none" was recorded, or no reply at all was given. However, there are examples in which some registered agents listed newspapers and periodicals to which news releases and articles had been mailed, or in which they had been published.⁷⁷ More often, a single specific publication is mentioned, and that is usually the organ of the association employing the lobbyist, e.g., "None other than weekly newsletter published by employer."

In answer to the last question of Form C, "The proposed legislation he is employed to support or oppose," the replies take different forms. Agents for the Citizens Committee on Displaced Persons mentioned "H.R. 2910, Emergency Temporary Displaced Persons Admissions Act (Stratton Bill)." In another case, there appears a series of specific bills. The representative of the American Farm Bureau Federation replied: "In accordance with the annual meeting resolutions, adopted by the Federation, proposed legislation on the following matters has been supported or opposed."⁷⁸ More often some such general characterization is given as "any margarine legislation," "measures affecting the ownership and operation of real estate," "legislation affecting credit union," "matters affecting the mortgage-banking industry," "supporting legislation for the unemployed," "all legislation of interest to business such as bills on taxes, budget control, portal to portal pay suits, general labor, claims, etc.," "legislation for workers."

It has been observed that 677 "persons" were listed as employers on Form B. In addition, there were 22 associations that filed under A, but did not employ lobbyists, according to the Form B records on file. A breakdown of this total figure of 699 indicates that 498 were associations or member organizations, while 201 were individuals or individual companies and corporations. How many organizations are really active in the area of national legislation? Samuel H. Tower stated in the *New York Times* that "lobbying has reached, if possible, a new pitch of activity in the present session of Congress."⁷⁹

Joseph and Stewart Alsop reported that

"in the presence of lobbyists, the Eightieth Congress of the United States has behaved like a blowzy chorus girl just starting on her second pint of rye. . . . At this session something very like the beginning of a lobbyists' carnival has been plainly discernible . . . the power lobby is the most active, and most conspicuously well-heeled, in Washington. Its grand panjandrum, the high-powered P. L. Smith, repre-

⁷⁷ *Cong. Rec.*, Vol. 93, Aug. 15, 1947, p. A4492.

⁷⁸ *Cong. Rec.*, Vol. 93, Aug. 15, 1947, p. A4493.

⁷⁹ *New York Times*, June 1, 1947.

sentative of the National Association of Electrical Companies, gets a salary in the Hollywood class—\$65,000 annually, with an ample expense account. But even the prosperous Smith is less important than the numerous officials of the large utilities companies. These converge on the Capitol at frequent intervals to make the boys on the Hill see the power question in the old free enterprise way. And behind these large operators, there is a whole network of lawyers with retainers from the utilities, bankers with deposits from them, and other influential figures. These speak from the voting districts to Washington with voices of authority. Besides stirring up the sordid attack on David E. Lilienthal, the power people have scored major successes at this session with the Appropriations Committees."⁸⁰

In vetoing the Housing and Rent Act of 1947, President Truman stated:

"One of the most stubborn obstacles in the way of any constructive housing program has been the opposition of the real estate lobby. Its members have exerted pressure at every point against every proposal for making the housing program more effective. They have constantly sought to weaken rent control and to do away with necessary aids to housing. . . . It is intolerable that this lobby should be permitted by its brazen operations to block programs so essential to the needs of our citizens. Nothing could be more clearly subversive of representative government. . . ."⁸¹

And again, Ned Brooks, Washington correspondent wrote:

"The real estate lobby's series of successes in Congress has soothed the sting of President Truman's rebuke to it. . . . They have won all major objectives in the current session. . . . Six weeks before the session began, Boyd Bernard, then president of the National Association of Real Estate Boards, told members to 'wait for the New Congress on the Capitol steps with a proposal for a cushioned decontrol of rents.'

On May 12, after the House had passed the bill opening the way for rent increases and repealing most of the Veterans' Emergency Housing Act, the Association notified members: 'We won the first round of rents through the passage of the Wolcott Bill. This embodies substantially the program we wanted.'

At the same time the Association was soliciting its membership for \$5 contributions to conduct 'legislative and research work' here in Washington. Officials ridiculed statements that it had a \$10,000,000 fund available for putting over its program, saying its goal of voluntary subscription was only \$59,000.⁸²

The six leading organizations which constitute the real estate lobby in Washington are: Association of Real Estate Boards, National Home and Property Owners Foundation, National Association of Home Builders, Buildings Products Institute, United States Savings and Loan League, and National Retail Lumber Dealers Association. According to statements on file in the clerk's and secretary's offices, their fourteen agents receive salaries totalling \$81,450 per annum. Only two of these organizations during the first year filed under Form A. The National Association of

⁸⁰ *Washington Post*, July 25, 1947, reprinted in *Cong. Rec.*, Vol. 93, July 25, 1947, p. A4067. ⁸¹ *New York Times*, July 1, 1947.

⁸² *Washington Daily News*, July 21, 1947, reprinted in *Cong. Rec.*, Vol. 93, July 25, 1947, p. 10353.

Real Estate Boards reported expenditures of \$39,355.72 in 1946, and the National Home and Property Owners Foundation recorded, for a seven-month period in 1946, expenditures of \$232,132.08.⁸³

In the *New Republic*, Helen Fuller refers to the "80th Congress . . . [as] a demonstration of government by lobby and steam roller." She indicts, among others, the Association of American Railroads for its lobbying budget of nearly \$5,000,000 per year, which got the Reed-Bulwinkle Bill (exempting railroads from the anti-trust laws) through the Senate, and the sugar interests which put through "a sweet deal in the Sugar Act of 1948;" and the "big business' biggest guns, the N.A.M. and the U. S. Chamber of Commerce concentrated on labor first, taxes second."⁸⁴

On the other hand, organized labor, with the assistance of consumer and other civic organizations, was far from quiescent. The registrations under the Lobbying title record about seventy-five organizations affiliated with the A. F. of L. and C.I.O., as well as unaffiliated groups. Unprecedented sums of money were spent in legislative battles, particularly over the elimination of price controls in general, rent controls, the Taft-Hartley Labor Act, and the reorganization of the Labor Department. As never before, in enterprising and novel ways, radio and newspaper advertisements were used to carry labor's message to millions of people.

On June 23, 1947, Representative Arends of Illinois, on the floor of the House, said:

" . . . Last week, during the discussion of the President's veto message on labor, some 800 lobbyists were reported to have come to Washington in an automobile veto caravan. They came here for the purpose of influencing the President to veto the Labor Act and to exert their influence on members of Congress to sustain such veto.

"Who paid their expenses? Have they registered as lobbyists?"

"There have been reports that labor organizations have spent more than \$1,000,000 on lobbying against the labor act and for sustaining the veto. Have those expenses been reported as lobbying costs?"

"Phil Murray, president of the C.I.O., was interviewed on a radio program Friday night called Meet the Press. In that radio interview Mr. Murray said that he had talked to various members of Congress about the act. Mr. Murray was asked if he thought that would come under the head of lobbying. He replied that he did not believe so. Many members had called him asking about the act, he replied. Is that lobbying, and is Mr. Murray registered as a lobbyist?"⁸⁵

⁸³ On Mar. 30, 1948, the federal grand jury in Washington, D. C., indicted the United States Savings and Loan League for its failure to file under Form A of the Lobbying Law. Three of its legislative representatives did file under Form B. When a federal grand jury brought an indictment against the National Association of Real Estate Boards and the Washington Real Estate Board on grounds of conspiring to fix commission rates for real estate dealers, the president of the National Association saw in this action a reprisal for disagreement with the Administration on housing. Cf. *New York Times*, Aug. 29, 1947.

⁸⁴ Aug. 4, 1947.

⁸⁵ *Cong. Rec.*, Vol. 93, June 23, 1947, p. 7716. Neither Mr. Murray nor Mr. Green has registered under the lobbying act.

The American Federation of Labor filed under Form A for the first time on July 11, 1947, a detailed statement of receipts and disbursements for the period from April 23, 1947, through June 30, 1947. It showed that the Federation had received for its fight on the Taft-Hartley Bill contributions aggregating \$992,452.30 from 102 of its national and international unions and from its local trade and federal unions, and had spent \$819,648.18.⁸⁶ The largest items in its expenses were: for newspaper advertising, \$423,821.58; for radio advertising, \$322,839.26; for radio entertainment, \$61,673.54; and for telegrams, \$3,641.33. The three unions making the largest contributions were: United Mine Workers of America, \$90,000.00; United Brotherhood of Carpenters and Joiners of America, \$90,000.00; and International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America, \$93,750.00. Judging from these figures of the American Federation of Labor, it can be concluded that all of organized labor must have spent millions of dollars in its unsuccessful campaign to keep the Taft-Hartley Bill from the statute-book.

It is, of course, difficult to estimate with accuracy the number of pressure groups that are active in the area of national legislation. It is undoubtedly an understatement that, even with a strict interpretation of the lobbying law, more than the 699 employers that can now be found in the files should have registered under the Lobbying title. According to the Bureau of Foreign and Domestic Commerce, more than 3,000 national trade and professional associations are represented at the capital in some manner.⁸⁷ The report of the Temporary National Committee on "Economic Power and Political Pressures," prepared by Donald C. Blaisdell in 1941, listed 381 *national* organizations with *permanent* representatives in Washington.⁸⁸ Many of the associations recorded under the lobbying law during its first year are not, of course, national organizations, and undoubtedly do not all have permanent representatives in Washington. Eighty-two organizations in this 1941 list registered in some form under the lobbying law in 1946-47.

⁸⁶ For the period April 23, 1947, through December 31, 1947, receipts were \$1,046,478.02 and expenditures \$834,565.38.

⁸⁷ C. J. Judkins, *Trade and Professional Associations of the United States* (Washington, D. C., 1942), U. S. Department of Commerce, Bureau of Foreign and Domestic Commerce. The associations are broken down as follows: 1,900 trade associations (business competitors in one industry); 300 other "business associations" (not trade associations, but composed largely of business men); 600 other organizations (the activities of these are of special interest to business, such as the American Farm Bureau Federation, American Federation of Labor, American Medical Association); 300 additional associations. The National Association of Manufacturers states that there are about 1,500 national or regional trade associations of commercial or industrial enterprises.

⁸⁸ T.N.E.C. Report, No. 26, pp. 197-201.

V. RECOMMENDATIONS FOR STRENGTHENING THE ACT

During its first year, the federal lobbying law has been of limited effectiveness. However, a sufficient number of registrants have complied in one way or another to justify an early revision. Soon after the law became effective, an Omaha newspaper reported: "A cynical alliance stands as a new threat to the LaFollette-Monroney Congressional Reorganization Act. The *World Herald's* Jack Jarrell reports from Washington that some of the nation's top lobbyists have joined forces with the unofficial Congressional Old-Timer's Club in a drive to undercut the bill."⁸⁹ Whether or not the Omaha correspondent was correct, the federal Department of Justice may force the hand of Congress, and revision of the lobbying law may be seriously undertaken.⁹⁰

Unlike the original title, all proposed amendments should be subjected to careful scrutiny by committee members, following full public hearings.⁹¹ The value of carefully planned hearings cannot be over-estimated. On this point, Professor Joseph P. Chamberlain of Columbia University told the Joint Committee on the Organization of Congress:

"I think, in my experience, it is enormously important in order to get good legislation to have careful committee consideration. I have drafted a good many bills in my time for private organizations, for state departments and bureaus, and I have never felt any satisfaction about any measure to which I might have given a great deal of time and consideration unless it had had a careful hearing before a committee—and I knew that the common sense of that committee had been expended on that bill."⁹²

Methods employed to influence legislation are no longer restricted largely to "buttonholing" members of Congress in the nation's Capitol or at home. Mass channels of communication and the art of public relations have increased the pressures upon Congress and other government agencies, and thus have drastically changed modern pressure techniques. It is recommended that:

1. The Lobbying title of the Legislative Reorganization Act be completely redrafted and its various sections considered as an integrated whole, in order to avoid contradictions and ambiguities.

⁸⁹ *Omaha World-Herald*, Oct. 9, 1946.

⁹⁰ See footnote 53 above. The Justice Department holds that the phrase "principal purpose" in section 307 means any purpose which is not incidental to the activities of the "person" in question, that any other interpretation would be meaningless and would clearly defeat the expressed intention of Congress. See testimony of Irving R. Kaufman before the Senate Committee on Expenditures in the Executive Departments, Feb. 17, 1948. See footnotes 53 and 83 above.

⁹¹ The Senate Committee on Expenditures in the Executive Departments has already held such hearings, in which the writer participated on Feb. 17, 1948. *New York Times*, Feb. 18, 1948.

⁹² Hearings before the Joint Committee on the Organization of Congress, 79th Cong., 1st Sess., Part 4, p. 1007.

2. The words *principally* and *principal* now appearing in section 307 be deleted, and the lobbying act be made applicable to all organizations that now expend a specific sum (for example, at least \$1,000 for any one quarter of the year) in influencing public opinion or the agencies of government, directly or indirectly, in the passage or defeat of any legislation by the Congress of the United States. While it cannot be denied that organizations such as labor, chambers of commerce, trade associations, farm groups, etc., do perform major services not *directly* related to influencing legislation, such legislative activity as they do engage in, even for limited periods, may be of vital importance to the existence of these organizations. It is difficult, even at times impossible, to separate the so-called non-legislative from the legislative expenses of any organization.⁹³ Therefore, the act should require a statement of the total budget of these organizations, broken down into broad categories of expenditures with a listing specifically of all items of expenditure labelled *legislative*. The names and addresses of contributors of \$500 or more in any one quarter should appear in the statements filed under the Lobbying title, whether specifically earmarked for *legislative* purposes or not.

3. A statement of the bona fide total membership of organizations should be required. It would also be effective if each organization were required to state how its legislative policy is determined and to indicate the responsibility of the lobbyist in conveying these views on behalf of the membership of the organization. It would then be a simple matter to expect chairmen of standing and special committees to require of a witness appearing at hearings a sworn statement as to whom he represents, the membership of his organization, and the internal structure of such organization, indicating how the position taken by the witness was arrived at. This might prove a great step in the direction of making pressure groups more representative of their actual and potential membership, and more democratic in their procedures.

4. It should be the responsibility of a specially designated agency to enforce the lobbying act. This agent should be the Attorney-General of the United States. It would be his responsibility to see that complete

⁹³ For example, the chairman of the National Legislative Committee of the American Federation of Labor, in order to support his statement "that the legislative expenses of our organization is a very minute proportion of its activities," points to the annual report of the Federation for the year ending August 31, 1946, in which the total expenditures of the Federation were given at more than two and a half million dollars and legislative salaries and expenses amounted to \$16,441.57. Cf. letter of W. C. Husking, Dec. 6, 1946, and Report of the Executive Council of the American Federation of Labor, 1946, pp. 2-3. For the year ending Aug. 31, 1947, although the total expenditures of the Federation exceeded five million dollars, legislative salaries and expenses were \$22,474.00. These figures do not include the sums spent in the Federation's campaign to defeat the Taft-Hartley Bill.

information is supplied in accordance with the terms of the act and that such information is given the fullest publicity. Publicity is the key to effective enforcement of lobbying legislation. The compilation of the data for the *Congressional Record* is only a first step. The clerk of the House and the secretary of the Senate, now responsible for the compilation of the data on Forms B and C, lack police power. The information on all forms, to be prepared by the Attorney-General in the first place, should be published at quarterly intervals in the *Congressional Record*. One copy should be filed with the enforcement agency and one with the clerk of the House. It is further recommended that the compilation of the data be furnished either by the enforcement agency or by the clerk of the House to the Press, Radio, and Periodical Press Galleries at stated intervals, in sufficient number to permit distribution to each accredited member of the Galleries.⁹⁴ Copies of the compiled lobbying data should also be sent at weekly intervals while Congress is in session to the presiding officers of each house in sufficient number to permit distribution to each member of Congress.

Furthermore, the Attorney-General should be specifically required to evaluate in his annual report to Congress the working of the lobbying act during the past year, to interpret the information yielded under the act, and to suggest improvements through administrative or legislative action. It would be highly advisable for the appropriate congressional committees annually to evaluate the act, as provided in the Legislative Reorganization Act.

5. The act should be revised to require the filing of statements and registration of "persons" who exert influence upon any federal bureau, agency, or government official. The Congress having taken the first step in requiring registration of persons exerting influence upon the legislative body, the extension of its provisions to the administrative agencies would be a simple matter. It would be further recognition of the fact that the pressure upon the administrative division is considerable.⁹⁵

6. The act should specifically prohibit the employment of any person to promote or oppose legislation when compensation is contingent in whole or in part upon the passage or defeat of legislative matters.⁹⁶

⁹⁴ For membership of the Press, Radio, and Periodical Press Galleries, see *Congressional Directory*, Jan., 1948, pp. 731-783.

⁹⁵ Senate bill 2512, 74th Cong., introduced by Senator Black, made such provision.

⁹⁶ This prohibition is found in many of the state lobbying laws. Contingent payments may tend to encourage questionable practices. A registrant, in answering question 4 on Form B, "how much he is paid and is to receive," stated: "\$10,000 per annum as a retainer as Washington counsel on all matters affecting the economic and legal welfare of the [fur] industry, plus a fee of \$15,000 in the event excise tax on furs is cut from twenty per cent to ten per cent, plus an additional fee of \$25,000 in the

7. The exemption granted in section 308 to newspapers or other regularly published periodicals should be extended to radio.

8. The contradictions in sections 307 and 311, as affecting the Corrupt Practices Act, should be resolved, making it clear that only duly organized state and local party committees are exempted from the provisions of the lobbying act and that others may be required to file under the lobbying and corrupt practices laws, depending on their activities.

If the foregoing suggestions were adopted, many organizations now enjoying tax exemption status under the Federal Internal Revenue Code might lose this status if they complied with the lobbying statute so amended. This is undoubtedly one of the chief reasons why many organizations have not filed under the ambiguous terms of the present law. It would seem, then, that Congress might be required to amend the Internal Revenue Code if it wished these organizations to continue as tax exempt groups.⁹⁷

No one doubts that it is a nuisance to require such full information from private organizations. Yet the time is opportune to insist upon it. These groups have grown accustomed in the past two decades to furnishing more and more information to the government. Teeth should be put into the Lobbying title at the earliest practicable moment. It is far better for Congress to clarify its position than for the courts to do so. Groups engaged in the legitimate activity of helping the people's representatives formulate public policy are in a sense clothed with a public interest. A democracy is entitled to the fullest information from all the sources that constitute its functioning parts—and who would deny that pressure groups play a valuable and indispensable part in the dynamics of government?

However, regulatory legislation by itself, no matter how carefully drawn or vigorously enforced, will not eliminate the predatory lobby or discourage the use of questionable or illegitimate practices by pressure groups. Significantly, the Lobbying title is part of the Legislative Reorganization Act which aimed to improve and modernize the organization and operations of the Congress. For example, by placing greater professional expert and clerical assistance at the disposal of legislative committees and members, Congress has made itself less dependent on unofficial sources of information than ever before. Strengthening the ability of government to formulate legislative policy will go a long way toward providing effective regulation of pressure groups.

event the entire excise tax on furs is repealed on or before July 1, 1948." Cf. *Cong. Rec.*, Vol. 94, Jan. 29, 1948, p. 741.

⁹⁷ See U. S. Code, title 26, sec. 101(6), 1938.

FORMULATING THE FEDERAL GOVERNMENT'S ECONOMIC PROGRAM: A SYMPOSIUM*

I. THE INFLUENCE OF THE POLITICAL ORDER

PAUL H. APPLEBY†

Syracuse University

I

In this opening paper, it will be assumed that there is general understanding of popular control as resting penultimately with Congress, proximately with the chief executive, and operating on the whole administrative process, as it does on other processes of government. It will be assumed also that public economic policy and politics are everywhere intermingled, however much policies may vary in the amount of economic content; and that policy and administration are everywhere, if variously, intermingled. It will be assumed further that the contributions of political administrative officers, members of Congress, party leaders, public administrators, experts and other civil servants, interest groups, and the public generally, are intermingled in the administrative process as well as in other processes of government. Discussion seeming to support these assumptions will not be submitted by way of proof, but merely by way of exploring some of the ways in which politics may be seen to influence the federal government's economic program. Whether or not these ways are adequate to the reality of democracy, or whether they are adequate in a strictly economic sense, are questions that would require much more extensive treatment than here is possible.

No reference will be made to executive participation or initiative in the drafting of legislation, on the ground that the source of a draft is unimportant to, and without significant restrictive effects on, the exercise of the congressional functions of final formulation and enactment of bills. Executive drafting is merely a means of executive communication with the legislature.

Since the ultimate powers of Congress are very much in accord with theory and widely understood; since the rôle of the President is dramatic and widely understood; since administrative offices are citadels of the

* Planned and arranged by Fritz Morstein Marx, Washington, D. C. A related symposium entitled "Maintaining High-Level Production and Employment" was published in this REVIEW, Vol. 39, pp. 1119-1179 (Dec., 1945).

† Mr. Appleby, now dean of the Maxwell Graduate School of Citizenship and Public Affairs at Syracuse University, has served the federal government in various capacities, including those of Under Secretary of Agriculture and Assistant Director of the Bureau of the Budget.

experts; and since the conduct of administration is complex, far-flung, diffuse, and little understood, principal attention will be given to the intermingling of policy-making and administration within the executive branch. This intermingling is itself a political process, and at the same time a vehicle of political control.

Confusion results from the disposition to separate policy and administration, or politics and administration. The two may be usefully separated for some kinds of study, but they must be brought together in practical operations, and for full understanding they must also be studied together. The distinction between policies is not simply that one kind of policy is less a policy, and therefore less political, than another kind of policy; there are many possible distinctions. One distinction is that a certain kind of policy normally may be made wisely and effectively at one level of government, while another kind of policy may normally best be reserved for attention at another level. For the most part, this distinction must be made pragmatically. It can be made only in realization that a policy normally left for determination at a relatively low level may on occasion require attention at a higher or even the highest level; and that a policy heretofore felt to require attention at the top may come to demand delegation to a lower level. In the latter case, the content of the policy may be fully as political as it was before.

Delegation may involve greater political exposure, or different political handling, but not a divorce from things political. So far as the "political branch" or the higher political levels in the executive hierarchy are concerned, reserved political control—not necessarily determination—is of the essence. But it is as true for legislative bodies as it is for high-level administrators that "not to make decisions that others should make is to preserve morale, to develop competence, *to fix responsibility*, and *to preserve authority*."¹

Delegations from Congress to the executive branch or from a political administrator to an official at a lower level sometimes follow a gain in popular acceptance of the program concerned, and therefore lead to a reduction of the program's political character. But this is by no means invariably the case. Even when it is, it should not be assumed that the political content of the program has disappeared or that political forces and processes do not bear upon it. The fact that the chain of control in government is a political chain confers political character upon every link in the chain. Even more important, the location of the last link is still in a political area.

The difference between the political character of a bureau and that of the presidency is like the difference in political character between a con-

¹ Chester I. Barnard, *The Functions of the Executive* (Cambridge, Mass., 1945), p. 194. Italics added.

gressional committee and Congress as a body. Congress as a body simply has a *higher* political function—the function of translating committee policy expressive of special interest into policy embodying the total public interest or majority-government policy. The totality of our political processes work, and can only work, through the totality of our government. In various policies and actions, there are differences in degree, in majority or minority character, in level, in time and place, that have to do with the amount and kind of political content, and the political importance and validity of governmental action. There are also differences in technical content and in technological urgency. But policy-making and administration are together a continuing, reciprocal, mutually dependent, and interlocking process. Professor Charles E. Merriam, in a recent lecture, declared that the executive body has become fully as political as the legislative, and he described their two functions as constituting a “circular process.”

Certain aspects of the intertwining were discussed by Professor Pendleton Herring in an admirable essay² beginning with this sentence: “The formulation and execution of fiscal policy means the realization of economic objectives within a political context.” Later passages suggest that the emphasis might as well have been shifted from economics to politics; the latter part of the first sentence might as well have read, “the realization of political objectives having economic content.” Must politics be regarded as either horse or cart? Or may we not better think of both the economic horse and the political cart—or the political horse and the economic cart—as having been displaced (if ever it was otherwise) by a power vehicle in which the functions of horse and cart are intermingled? The intermingling of economics and politics within the executive branch is just one aspect of the general intertwining of politics and administration.

II

Unnumbered laws and governmental activities under those laws go to make up the whole economic program of the federal government. Research which produces new products or provides technological improvements changes the economic conditions within which enterprises are carried on. Disease and pest control both change producing conditions within the country, and on occasion are susceptible of being used as tariffs. Provision by government of statistical services affects business activity. Conservation programs on public and private lands change land use, in both short and long terms. Governmental activities of especially high, direct, and pervasive economic content include the following: debt and currency

² “The Politics of Fiscal Policy,” *Yale Law Journal*, Vol. 47 (1938), pp. 724 ff.

management; bank supervision and bank-credit management; the levying and collection of taxes; government-corporation management of credit extension, economic and social development, price support, and insurance; research and technical work, provision of services, regulation of business, minimum-wage controls and supervision of collective bargaining, welfare, benefit payments and grants-in-aid; tariff administration, international loans and relief; budget-making and high-level economic analysis.

If examples were to be listed under each of these categories, the variety and complexity of economic considerations involved would call forth a question about the feasibility of any conscious and integrated economic program. To think beyond this about administrative complexities, the necessary division of labor and of responsibility among thousands of executives; to see the administrative process further complicated by the functions of courts and of Congress and the ceaseless pressures of infinite citizen interests—this is to repeat and underline the question, even when it is directed only to the rôle of the executive branch. Indeed, no further exploration is needed to produce a partial answer: no program completely free from inconsistency is possible, in this government or in any other, with democracy or with dictatorship, with capitalism or with communism.

In a world characterized by change, this surely is a virtue—up to a point. One question, then, is whether machinery exists for achieving enough consistency; whether on the whole the government is capable of identifying principal objectives and moving in general with sufficient effectiveness toward those objectives somewhat dimly seen. Another question, especially important in a democracy, also arises: Is the identification of objectives and the movement toward them sufficiently responsive to popular desires and aspirations, and sufficiently controllable by the citizens? The consistency of objectives and of actions with respect to them should be not too much greater than the consistency of the desires and upreachings of the people who constitute the society. Through diverse and complex political processes may be achieved a more appropriate and truer logic than could be the isolated product of the most highly qualified council of expert planners. The government must be concerned with both economic efficiency and democratic efficiency.

It is largely because of such dual concern that no kind of problem with which public administrators deal is invariably one to be decided at any particular level in the administrative hierarchy. This fact is reflected in Herbert Emmerich's remark that he has been able to find no way to define policy except as "that which must be referred to my superior." Any kind of problem may on occasion require consideration at the level of a political officer, or at the presidential, congressional, or popular levels. Certain kinds of problems may be identified, however, as problems that *usually* are resolved, and should be resolved, at levels below those of politically

appointed or elected officials. This identification is bread-and-butter business in the processes of administration.

There are two main areas of discretion normally left to non-political officials. One such area is administrative in the sense that it is implicit, habitual, within bounds previously fixed by general decisions or administrative tradition or social custom. It is the area not more technical in character than the functions of the whole administrative organization.

This area includes, for example, much of that part of the government's economic program which is involved in the examination of banks—whether by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the Federal Reserve System. A good deal of policy is developed through administration of these activities without direct benefit of political officials or professional staffs of economists. Some of the policy fails even to reflect much of the indirect current influence of economists. The attitudes of individual bank examiners vary. For the banks that one examiner visits, he makes policy to a certain extent, while another examiner is making slightly different policy for other banks. Policy attitudes of the examiners may be reflections of poor teachers' interpretations of inferior economics textbooks of a quarter of a century before, or reflections of common public attitudes of earlier or present times, or reflections of administrative habit in the examining organization adjusted or not to present situations.

If policy so made is not acceptable, the banks may get attention at higher levels. Neither the political character of the banks' unhappiness nor the political nature of the policy about which they are unhappy is to be doubted. The point is simply that *the height of the level of such attention is roughly a product of the depth of the banks' dissatisfaction multiplied by their number and strength, modified by their persistence and techniques of agitation*. If the dissatisfaction is in other examining agencies (perhaps because of criticisms coming to them from bankers), the same general situation obtains. There is at work in this area of policy a continuing but inconstant interplay of forces, all of them having some popular or popular-representative character.

The second main area of discretion normally below the level of political officers may be described as the area of preponderantly technical content where highly specialized knowledge beyond the broad functional specialization of the agency is important. One subdivision of this area is occupied by economists. Because of complaints from bankers, or because of recognition of differences in point of view within the organization, or out of spontaneous sense of change in conditions requiring restudy of policy, some policy in the bank-examining organizations is made by staffs of economists. Policy of their making is normally limited to what, without formal administrative support, they can persuade the examining group to

accept. Next, it is limited to what they can get administrative officials to accept in view of the known or discovered attitudes of examiners and bankers. Thereafter, attitudes of the economists become part of a larger blending of influences. Such contributions to policy, like all others, are subject to modification in the light of both operating experience and changing social conditions affecting the balance of forces that reflect functional and power interests and attitudes.

III

Each of the two areas which have been described extends outside the boundaries of single operating agencies. What representatives of the Federal Deposit Insurance Corporation say when they visit banks must have influence on examiners representing the Comptroller of the Currency, and *vice versa*. Similarly, the positions of economic staffs in one organization are modified by the positions of economic staffs in another. Economists in one organization may be so highly specialized in their expertness or so limited by their functional environment as to contribute to the making of policies which would not be supported by economists having other responsibilities or broader resources. There are occasions, therefore, when bank-examining policies require over-all consideration together.

This comes according to the depth of the unhappiness of staffs in different fields, the prestige and persuasiveness of the economists, their relative agreement, the depth of dissatisfaction of bankers, the depth of social distress, the strength of the dissatisfied, and the persistence and techniques of their agitational efforts. There are still further occasions when bank-examining policies as a whole require consideration in connection with other economic policies. Economists, the press, the opposition party, bankers and their customers, and citizens generally—all have functions with respect to the identification of these various types of occasions, with citizens particularly serving as an ultimate jury with power to decide just what order of occasion it is.

Normally, however, it may be presumed that bank-examining policy may safely be left to its normal course. This presumption can be made because of the lack of convincing outcries from economists in other fields; or the failure of the press, the opposition party, bankers and their customers, or the public to dig up materials that seem to justify attention at higher-than-normal levels. The various levels do exist. Normally there are from five to twelve inconspicuous but highly important levels within the civil-service hierarchy. The movement of business between and within these levels operates as a preventive of conspiracy and arbitrary action with respect to the public. It serves to secure a representative product.

Economic staffs are on the job, although perhaps too weak. They and operating personnel are under political officers who do have an over-all control. Incomplete though such control always is by custom, administrative necessity, organizational pressure, and general conditions, it limits policy-making by examiners and by staff economists and does provide a necessary higher level of appeal and determination. Alongside one organization are other organizations with modifying and competing functions and qualifications, representative of their own interests and attitudes, and as such possessed of power capable of influencing all parts of the government. Behind the political officers, and behind all the executive agencies together, as a necessary higher level of determination, is the President, representative of the whole area of administrative discretion and policy-making. The power commonly thought of as his is his personal power added to the power of the entire bureaucracy. Behind the President, as another necessary higher level, is Congress. Behind both the President and Congress are the people as a potential ultimate place of appeal and direction.

This description of one area of economic policy is illustrative of all other policy areas and of the area of the government's whole economic program. It affords a picture of complicated influence, of administrative, technical, and political adjustment. It is a scene in which leadership—great and small—plays its part, in which is played the rôle of the economists as the government's economic program takes shape. Here political character predominates and penetrates to the remotest corner. Yet technicians and technical considerations exert a pervasive influence in connection with the exercise of leadership.

Measurement of the adequacy or effectiveness of the influence of the economists can be in part mathematical—in terms of economic growth or decline, the national income, the number of unemployed, rates of changes in these figures, excess or deficit of government payments to the public compared with government collections, changes in the price level, estimates of public needs, and so on. Yet these various measurements must be weighted, and weighting in such cases is more a political than a statistical function. Many necessary measurements do not lend themselves well to mathematical treatment at all, particularly measurement of the acceptability of any one economic proposal in the social complex of the moment. Such measurements of effectiveness are of the essence. Politics provides the means for formulating equations into which figures enter, but which contain much more than figures. If mathematical portions of the equations are to be more influential, it will be because of changes in the political factors—a growing popular sense of the value of the economists' contribution, and increases in the persuasiveness of the economists' proposals in particular cases.

Such developments would result in further delegations from the legislature to the executive branch, and from political administrators to technically qualified sub-administrators. The matters delegated would have the same content as before. Their political exposure would be somewhat altered; the political processes of determination would be correspondingly modified (and probably refined). But ultimate political controls would not necessarily be shifted, and might even be strengthened.

IV

The federal area in which executive handling of economic policy has had its clearest and longest development is that dealt with by the Bureau of the Budget. With only two presidentially-appointed political officers—the director and the assistant director—and a staff of several hundred professional workers, the Budget Bureau has been performing for a good many years with remarkable acceptability the executive function correctly described by Professor Herring as “interest-balancing.” As he said: “The formulation of fiscal policy lies at the dead center of democratic government. It is the very essence into which is distilled the conflict between the haves and the have-nots. . . . When the government uses its legal controls of economic affairs in order to attain certain social ends, purely financial standards are inadequate. . . . Today no one view of sound fiscal policy can be pushed through. Men of reason are forced to compromise with men of emotion. No single political group can control the whole machinery of government. This is not the best way to realize a logically constant policy, but it may be a fortunate thing in a country so diversified as is the United States.”³

The executive budget is, among other things, one concrete formulation of the government's economic program. The entire budget, in its revenue and expenditure proposals, is itself an important part of that program. While single items in the budget may represent important economic programs, the whole budget is more than the sum of its parts in that it has separate significance. The larger the budget, for example, regardless of the items that make it up, the larger is the government's influence on the distribution of income. Taking from some and giving to others, the budget is a distinct factor in income distribution. Determination with respect to particular expenditure items, of course, is a further factor in distribution; so, too, with respect to the features of the tax program.

This is not to say, however, that a 35 or 40 billion dollar budget is a 35 or 40 billion dollar tool for the management of the economy. Only that part of the budget which is manageable is a tool of management. Any optional increase in the budget is a part of the tool, and the amount of optional increases possible at any particular time cannot be ascertained

³ *Loc. cit. supra* in note 2.

except by trial. Search for an optional decrease limit would reveal a firmer figure. The Eightieth Congress, in its first session, may be said to have engaged in that search and to have found the limit below which it could not go. President Truman attributed to Congress a reduction in expenditures for the fiscal year 1948 of a little more than two billion dollars, and this figure is probably as accurate as any such figure can be. This was the size in fiscal 1948 of the budgetary tool for retrenchment as an economic policy.

Congressional handling of the Marshall Plan suggests, and one may believe, that budgetary flexibility is always greater with respect to increases than with respect to decreases. For purposes of our discussion, six or eight billion dollars may be regarded as the present flexible factor in the budget. The determination of budgetary items and totals within that range constitutes a very large part of the conscious management of the government's economic program.⁴

In a general way, the area of flexibility for fiscal 1948 was thoroughly explored at the presidential and congressional levels; and this is normally the fact. With respect to a good many smaller matters, no doubt, the recommendations of the Budget Bureau were determining, and some of those matters were determined within the Bureau at each of four successive levels below the director. Some of the determinations are routine, in line with established practice. Some represent acceptance of departmental requests that the Budget Bureau examiners have been unable to find vulnerable. Some are non-controversial, once an over-all limit has been fixed for the asking department. Some are concessions wrung from the departments. Some are the product of superior estimating techniques. Some are enforcements of congressional attitudes expressed previously or recognized at the time. And some represent adjustments secured by bringing competing or complementary agency activities into focus.

This process of examination, review, and determination by the Budget Bureau may involve as much as a twenty or twenty-five per cent reduction below the estimates of the federal agencies. But perhaps only five per cent or so of this reduction would be achieved by the Bureau without accompanying exercise of presidential authority. Even the five per cent would be dubious without the President's backing. In terms of money, the Bureau's rôle exercised solely in its own name may be one of mere whittling. Its larger significance is preventive, corrective, and balancing. Its constant presence, its expertness, its ability to find "soft spots"—these things make for real modifications in estimates for which there can never

⁴ Another uncertain range of flexibility is in the area of presidential determination of amounts to request of Congress. Changes in his requests frequently would influence Congress, but his requests tend to anticipate congressional action too—to find the points around which agreement will occur.

be any mathematical measure. But its greatest importance is in its service to the President, identifying and clarifying issues, analyzing problems, proposing alternatives.

In this activity, not the least important element is the weighing of the forces behind the estimates, their sheer power, the depth and nature and occasion for the convictions of necessity. The budget is made not merely by technical processes; it is made in a field where mighty forces contend over it. It is not made in a public arena, but the public is somehow well represented. This is one of the most mystifying of governmental phenomena. The test is in the fact that year after year the estimates that go to Congress closely approximate the appropriations and authorizations that finally emerge from that political furnace. Yet only a handful of political officials participate in budget-making—the heads of departments and other agencies, the director and assistant director of the Budget Bureau, and the President.

Important to this result is the process of administrative appeal by which matters are carried upward for decision, according to the sharpness of difference or the depth of feeling in the various camps. The process, of course, does not stop at the White House. It goes on for months every year in Congress, and this affects all of its earlier phases. It is a process that strains the hearts and nerves of thousands who participate in it. The right of appeal is ever in the background. Yet the certainty of a battle with strong men well armed with fact and following insures survival only to the politically fit. The strength that contends is not merely personal strength; it is the strength that comes from known support of many citizens for the expressed position. The President can stand firm when he knows that to weaken would put him in a position vulnerable to congressional attack. The President and Congress alike can stand firm when they are convinced of popular support, current or potential. Interpretation of how the public will respond is of the essence to their political survival. In the end, they come to positions far from irreconcilable.

The administrative agencies with their many different programs are representative of citizens who are interested in particular programs. Increasingly, these agencies are spread over the country, working with citizens concerned, reacting to citizen reactions, modifying their actions, undergoing restraint, finding out what is not liked. To field offices come millions of callers and millions of letters, to Washington come tens of millions of letters and many powerful callers. The newspapers, the opposition party, radio commentators, and competing interest groups join constantly in one thing—trying to find weaknesses, starting opposition, seeking correction and new action. In various agencies and at varying levels in all agencies, these forces of interest come into various *foci*; through all of the agencies together there is achieved a major focus.

In this political process, the administrative personnel is in a special way representative of the large public, and a little something more. Experts both in and out of government make a contribution to leadership. No single expert determines very much, but he may influence a good deal. Few people in Washington by themselves determine very much of anything, and in so far as they do, they do it tentatively, subject to appeal, to criticism, and to change, or in awareness of sufficient support.

V

Emphasis has been given to the political character of the Budget Bureau's function because the Bureau usually is considered more exclusively in terms of its technical and planning work. But the significance of the Bureau lies in the fact that it has modified the political processes by injecting into them a greater proportion of planning. What it has done has been politically controlled and politically accepted, yet it has made for much better integrated policy. A part of what has been described in political terms could also be called administrative integration. Altogether, the influence of economists and other experts has been enhanced, with no impairment of democratic and political realities. In a less vivid way, and generally for shorter periods of time, many other formal arrangements have been developed within and without the departments to contribute to the same general ends.

The planning and integration of economic policy within the executive branch involves, of course, larger and more systematic use of economists. This, in turn, entails recognition and use of more varieties of economists capable of serving at successive levels in dealing with matters of increasingly complex relationships, and capable especially of dealing at or near top levels with economic policy in terms of administrative necessities on the one hand and political realities and responsibilities on the other. At such points, breadth, flexibility, imagination, persuasiveness, and political sense and ingenuity become very important qualifications.

The play afforded to contributions of the economist is in considerable degree dependent upon these personal attributes. It is further dependent upon history and custom; both govern the political and administrative weight given to this kind of expertise. It depends very greatly also on social conditions at a given time. Whenever general leadership has exceptional scope, economic leadership may have a corresponding increase in scope. Whenever general leadership is reduced in scope, economic leadership will have reduced scope. In these terms, for example, one may expect the influence of the President's new Council of Economic Advisers to grow very quickly some years hence when conditions call for it and when the Council has a sufficiently impressive record.

Integration of economic policy is dependent upon integration of politi-

cal leadership and administrative integration generally. If machinery is inadequate for the translation of special-interest demands into public-interest policy, in the executive branch, in the legislative branch, or in both branches, economic policy cannot be sufficiently integrated. Special machinery for integration can be most effective if it is designed principally as incident to general machinery for integration of policy and administration. The kind and amount of economic machinery, and the way in which it is fitted in, are matters of importance.

A tendency to separate economic machinery too much from the general machinery of government should be resisted. A tendency to relate it to such other machinery too far toward the end of the assembly line, or to establish it altogether apart from the assembly line, is often observed. In the one location, it is more likely to affect the paint job and ornamental do-dads than to influence basic design. In the other location, it becomes a voice in a temple, uttering pious words. In the end, maximum effectiveness depends upon institutional arrangements.

The government's economic program is not one thing, but many things, not nearly all consistent, but in the large serving many interests and moving toward objectives rather clearly identifiable if one is not too technical. The government doing many things, not all consistent, is serving a society doing many things, not all consistent. Cherishing the values of pluralism, the government cannot but exemplify them to a considerable degree. Allowing citizens wide areas of choice, sheltering diverse enterprises and interests, giving range to imagination and ingenuity, the government itself cannot be just one thing or have just one policy. It must respond to felt needs, but the wisdom which it has in forming its response, it distills from the totality of the political processes by which it lives.

II. THE RÔLE OF THE COUNCIL OF ECONOMIC ADVISERS

EDWIN G. NOURSE AND BERTRAM M. GROSS*

Council of Economic Advisers

I

One of the interesting developments in American government during recent years has been the increasing attention given to the problem of coördinating the economic policies and programs of the federal government. As the United States began to mobilize for military defense and later was confronted by the exigencies of global warfare, integration be-

* Mr. Nourse is chairman of the Council of Economic Advisers. Mr. Gross serves as assistant to the chairman.

came an issue of paramount importance and gave rise to the creation of a wide variety of coordinating agencies. Most of these, like the Office of Production Management, the War Production Board, and the Office of Economic Stabilization, were set up by executive order. Others, like the eventual Office of War Mobilization and Reconversion, were established by statute. Some were super-coördinators, operating in the stratosphere of national policy. Others, like the Office of Contract Settlement, exercised their coördinating prerogatives on a lower plane. Most of these agencies were created to serve an emergency and, with the passing of the emergency, faded into oblivion. But their integrating activities made an unquestioned contribution to our mobilization for war production, and probably eased the process of postwar reconversion without serious unemployment. Their record suggested to some minds the possibility that similar coördination should be effected in peacetime.

Even while the war was still on, members of Congress, officers of the executive branch, and public-spirited citizens from many walks of life began to ponder the government's rôle in dealing with the long-range problem of avoiding postwar depression and maintaining a stable national economy. Some thought in 1944 that the legislation setting up the Office of War Mobilization and Reconversion should be extended to give this agency certain permanent responsibilities extending beyond the immediate period of transition from war to peace. The suggestion was rejected by Congress. It was felt that the transitional problems of reconversion required a specialized agency, and that the longer-range economic problems should be dealt with by other means.

In 1945, such an approach was undertaken. Legislation was proposed in Congress that placed primary emphasis on a stirring declaration of policy pledging the government to "assure continuing full employment."¹ Machinery to carry out this policy took the form of an annual presidential message which was to contain the President's economic program, and, when transmitted to Congress, to be evaluated by a special joint committee of Congress. These proposals evoked widespread comment and debate in both branches of Congress and throughout the country. As a result, the legislation underwent a number of important changes as it progressed through the congressional mill.

First of all, the declaration of policy was remolded. The objective was more precisely stated as the attainment of "conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing, and seeking to work." The aim was

¹ The Full Employment Bill of 1945 was introduced by Senators James E. Murray (Montana), Robert F. Wagner (New York), Elmer D. Thomas (Utah), and Joseph E. O'Mahoney (Wyoming), and Representative Wright Patman (Texas); it was subsequently co-sponsored by many other senators and representatives.

also broadened to include "maximum employment, production, and purchasing power." In place of specific emphasis upon public spending as a method of achieving the objective, it was provided that the government "coördinate and utilize all its plans, functions, and resources." Stronger recognition was given to the promotion of "free competitive enterprise and the general welfare," the need for "the assistance and coöperation of industry, agriculture, labor, and state and local governments," and the importance of other considerations of national policy.² Second, there emerged a realization that additional machinery was needed to assist the President in the analysis of economic trends and in the formulation of economic policies. This development crystallized most rapidly in the House of Representatives, whose Committee on Executive Expenditures first proposed the creation of a Council of Economic Advisers as a staff of professional economists in the Executive Office of the President.

A little more than a year after the original legislation was introduced, a redrafted measure received the approval of the Senate by voice vote. It was passed in the House by a vote of 320 to 84. On February 20, 1946, it was signed by President Truman, who stated that it expressed "a commitment by the government to the people—a commitment to take any and all measures necessary for a healthy economy." The Employment Act of 1946 has been hailed as "one of the most significant enacted by Congress in this century,"³ and as "the most significant administrative implementation of the formulation of public policy since establishment of the federal budget system a quarter of a century earlier."⁴

II

Under the Employment Act, the President now transmits to Congress at the beginning of each regular session a comprehensive economic report containing his analysis of economic conditions and trends; desirable goals for employment, production, and purchasing power; and his program for attaining these goals, both immediate steps and longer perspectives. Other similar reports he transmits at his discretion. Three reports of this type have so far been transmitted: the economic report of January, 1947; the midyear economic report of July, 1947; and the economic report of January, 1948.⁵ These documents have gone far beyond any previous presi-

² For a fuller discussion of the declaration of policy in the Employment Act of 1946, see Part I of the Council of Economic Advisers' *First Annual Report to the President*, Dec., 1946. ³ Walter Lippmann, in *Washington Post*, Dec. 26, 1946.

⁴ Senator Ralph E. Flanders, "Administering the Employment Act—The First Year," *Public Administration Review*, Vol. 7 (1947), p. 221.

⁵ Public interest in these reports, particularly on the part of teachers of economics and political science, has been so great that they have been reprinted by a private publisher (Reynal and Hitchcock) in a single bound volume entitled *The Economic Reports of the President* (New York, 1948).

dential messages in laying before Congress and the country a full picture of what has been happening to the American economy, and in developing a comprehensive national policy geared to the maintenance of prosperity. They are increasingly being looked to as a source of fundamental economic information and as a focal point for public debate of the government's rôle in economic affairs.

To facilitate the preparation of the annual economic report and its adequate consideration by Congress, the act established two new agencies in the government. In the executive branch, there is the Council of Economic Advisers,⁶ with the function of helping the President prepare his economic reports and of providing continuing advice on economic trends and national economic policies. In the legislative branch, there has been set up a Joint Committee on the Economic Report,⁷ composed of seven members of each house, whose duty it is to evaluate the President's economic report and advise Congress on broad economic policy.

These two new instrumentalities of government are unique institutions. The Council of Economic Advisers has not been fashioned after the likeness of any of the war and reconversion agencies. It differs both in the breadth of its assignment and in its freedom from administrative responsibilities. It differs from the National Resources Planning Board⁸ in many respects—chiefly in that the Council does not engage in the planning of public works and resources programs, but rather serves as staff adviser to the President on broad economic policies for stabilizing prosperity. In the legislative sphere, the Joint Committee on the Economic Report has no parallel among any of the traditional committees of Congress. As organs elaborating but in no way altering our form of government, both the Council and the Joint Committee have to learn how best they can serve and be used by the President and by Congress. They face manifold problems of fitting themselves into a complex governmental structure. Each must look forward to a long period of growth and maturing.⁹

It is now possible, however, in the light of the experience gained during

⁶ The members are Edwin G. Nourse, chairman; Leon H. Keyserling, vice-chairman; and John D. Clark.

⁷ The members are: Senators Robert A. Taft (Ohio), Joseph H. Ball (Minnesota), Ralph E. Flanders (Vermont), Arthur V. Watkins (Utah), Joseph C. O'Mahoney (Wyoming), Francis J. Myers (Pennsylvania), John Sparkman (Alabama), and Representatives Jesse P. Wolcott (Michigan), George H. Bender (Ohio), Robert F. Rich (Pennsylvania), Christian A. Herter (Massachusetts), Edward J. Hart (New Jersey), Wright Patman (Texas), Walter B. Huber (Ohio).

⁸ Established on executive initiative in 1939 (supplanting the National Resources Committee, which had been set up in 1935) and abolished by an appropriation act in 1943.

⁹ For an interesting set of proposals concerning the future operations of both, see Flanders, *loc. cit. supra* in note 4.

a year and a half under the Employment Act to see something of the emerging rôles of these agencies. As for the Council of Economic Advisers, the following five features may be noted: (1) The Council's function is to assist the President. (2) It is strictly an advisory body, not an administrative agency. (3) Its advice is in terms of economics, not politics. (4) Its work is based on realities, not abstracted from institutional and psychological conceptions. (5) Its functions call for a small organization, not a large or greatly expanding staff. These points will now be discussed in detail.

III

The Council's function is to assist the President. The Employment Act spells out in considerable detail the President's relationship with the Council. First of all, it is a Council of Economic Advisers *to the President*. Its analyses of economic trends and developments are to be prepared for his benefit. All Council reports—its annual reports in December of each year,¹⁰ special reports requested by the President,¹¹ or reports prepared on its own initiative—are to be transmitted to the President, none directly to Congress. It is to "assist and advise the President" in the preparation of his economic reports to Congress. Furthermore, the act specifically establishes the Council "in the Executive Office of the President," thereby making the first statutory reference to this Office.

During the evolution of the Employment Act in Congress, many alternative proposals were considered. One idea was to have the economic advisory function handled at the cabinet level through a committee of cabinet members, as was provided in the ill-fated Employment Stabilization Act of 1931. This approach was accepted only in the very limited sense that "the compensation provided for the [Council] members—\$15,000 per annum—being the same as that paid to the President's Cabinet—will make their office one of equal dignity to the Cabinet office."¹² It was felt that an agency above the departmental level was needed to pull together the multitudinous reports and proposals emanating from the various departments.

Another proposal was for an economic commission that would serve both the President and Congress and be composed of presidential appointees, members of Congress, and representatives of the public. It was also proposed to create an independent agency responsible to Congress

¹⁰ See its *First Annual Report to the President*, Dec., 1946; and its *Second Annual Report to the President*, Dec., 1947.

¹¹ See *The Impact of Foreign Aid upon the Domestic Economy*, a report to the President by the Council of Economic Advisers, Oct., 1947.

¹² House Committee on Expenditures in the Executive Departments, Report No. 1334 on Employment-Production Act (Dec. 5, 1945), p. 9.

rather than the President, or a quasi-public body similar to the Federal Reserve Board. All recommendations of this type were rejected by Congress. The framers of the act approached their task in terms of developing governmental machinery that would fully gear into the constitutional separation of powers between the legislative and executive branches. Rather than ignore this separation or attempt to bestride it through the creation of a composite or in-between body, they chose to set up a council to advise the President and a joint committee to perform a similar function for Congress.

The development of closer relations between the two branches of government was not sought through an agency that would somehow bring both branches together. Instead, the President is to prepare an economic report that will serve as a starting point for congressional action. This relationship was described as follows in the Council's *First Annual Report to the President*: "The outstanding feature of this procedure is that it tends to unite the President and Congress through mutual consideration of national economic policy as a coordinated whole instead of proceeding in an unrelated piecemeal fashion. It guards against the danger that economic legislation shall be incomplete, inconsistent, or directly conflicting, much as the creation of the Bureau of the Budget 25 years ago undertook to remedy the haphazard process of estimating fiscal needs and allocating public revenues."

It would be a mistake to assume, however, that the Council's work is of no assistance to Congress. In an important sense, one of the constitutional responsibilities of the President himself is to advise Congress—by giving it from time to time "information on the state of the Union" and recommending to it "such measures as he shall judge necessary and expedient," as the Constitution provides. The work performed by the Council in helping the President assemble information and formulate recommendations therefore has an indirect but important bearing upon congressional operations.

In fact, the analytical and factual materials assembled by the Council for use in the President's economic reports have been welcomed as an aid in congressional deliberations, even by legislators who have disagreed with specific presidential proposals. Moreover, individual members of the Council's staff have often consulted with members of Congress and developed an interchange of views that has been mutually helpful. Finally, work in process by the staff of the Council is made accessible to staff members of the Joint Committee, and the Committee's staff members are invited to consultative meetings in which the Council at periodic intervals seeks the advice and suggestions of representatives of management, labor, agriculture, and consumers.

IV

The Council is strictly an advisory body, not an administrative agency. The purpose of the Employment Act in setting up the Council was to have an agency that would concentrate on advising the President and not be sidetracked or diverted by other responsibilities. This is the basic reason why a new organization was established instead of having the economic advisory function added to the management tasks of the Budget Bureau, or to the coördinating and expediting job of the then existing Office of War Mobilization and Reconversion. Moreover, it was felt that the President would receive better balanced and therefore more useful advice from a three-man group than from a single official.

Under the act, the Council has no administrative powers or responsibilities. It does not issue directives to other agencies. It does not supervise the execution of presidential policies. It does not engage in activities to build up popular support for the President's program. It has not taken on the task of explaining the President's proposals before congressional committees. After the President has translated the Council's material into an action program, he turns to other agencies to do what may be needed to get the wheels of government rolling.

Nevertheless, the Council's work in preparing materials for the President's use has an unquestioned impact of a coördinating and educational character. Before presenting any important report to the President, the Council solicits the comments and views of agency heads. This, by itself, serves to develop a point of view extending beyond the narrow jurisdictions of individual agencies. Moreover, the Council has worked very closely with the Budget Bureau. This agency has been able to provide the Council with invaluable assistance in obtaining information on government programs. The Council, in turn, has provided the kind of economic analysis essential to the development of a sound budgetary policy. In consulting with groups outside the government, the Council has not only called their attention to the significance of basic economic trends and emerging problems of national economic policy, but also invited their comments and suggestions.

In addition, the President has initiated the practice of having the Council appear each quarter at a cabinet meeting to present for discussion a survey of economic developments and problems. This is a significant implementation in the operation of the American cabinet system. At the end of the first and third quarters of 1947, the Council brought to the President a confidential memorandum describing economic developments since the last economic report to Congress. At the end of the second quarter, a preview of the midyear economic report of the President was presented. The result of the Council's participation in cabinet meetings has

been to help bring the thinking of department heads to a more unified consideration of the central economic problems faced by the President.

v

The Council's advice is in terms of economics, not politics. The President has always had ample sources of *political* advice. In setting up the Council, Congress saw no need for adding another. It did see the need for establishing an agency on the professional plane to place before the President the best advice obtainable from objective economic analysis inside and outside the government. Accordingly, the act stresses not only the economic character of the Council's advice to the President, but also the professional qualifications of Council members. Each is to be a man of "training, experience, and attainments." Each is to be exceptionally qualified "to analyze and interpret economic developments, to appraise programs and activities of the government . . . , and to formulate and recommend national economic policy to promote employment, production, and purchasing power under free competitive enterprise."¹³

The present Council has been careful to operate on a strictly non-political plane. Whatever the personal views of its members on political issues, the Council does not become a vehicle for expressing them. Even appearance before the Joint Committee on the Economic Report or other congressional committees to discuss economic issues under legislative consideration has been eschewed. The chairman of the Council has taken the position that if the precedent of such appearance is established, the time would come sooner or later when Council members would be asked to testify on matters on which the President has seen fit to take a position definitely contrary to their advice. This would present Council members with the alternative of arguing for the President's position regardless of their own professional convictions or, on the other hand, of arguing against a policy recommended by the President. The latter, in the chairman's judgment, would introduce an element of strain between the Council and the chief executive, and impair the relationship under which the Council freely brings objective analyses of economic questions for his consideration prior to the determination of his position.¹⁴

¹³ The chairman of the Council has presented his interpretation of the economic services which the Council ought to render in a paper entitled "Economics in the Public Service," at a meeting of the American Economic Association, Jan. 23, 1947. See *American Economic Review, Proceedings*, Vol. 37 (1947).

¹⁴ For reasons not developed here, the other two members of the Council "feel that both the President and the members of the Joint Committee, although occupying 'political' office, are strongly predisposed to draw upon objective economic analysis in fulfilling their defined functions under the Employment Act. They feel this, because the Council was established to assist the President in the preparation of his Economic Reports, the intent of the act will best be served if the Council extends

The staff of the Council also has been established on a high professional level; not one of its employees has been selected for political reasons. Fortunately, the Council has not been in the position of having to resist political pressure on appointments. The professional character of the Council's assignment has been so widely accepted that no pressures of this type have been exerted.

VI

The Council's work is based on realities, not abstracted from institutional and psychological conceptions. Economic charts and statistics can provide only a one-sided picture of the operations of the American economy. The decisions that determine what the charts will show are made by thousands of business men, farmers, labor leaders, consumers, and state and local governments. Any attempt to appraise economic trends and to formulate policies without consulting closely with the representatives of these groups and individual members would be appropriate only in an economy where all the decisions were made by the government. Within the framework of the American economy, it would constitute an ivory-tower neglect of basic realities.

In creating the Office of War Mobilization and Reconversion, Congress dealt with this problem by providing for an advisory board composed of twelve members, nine of whom were to have had experience in business management, in matters relating to labor, and in agriculture. In framing the Employment Act, however, Congress allowed a more flexible approach. The act provides that the Council "may constitute such advisory committees and may consult with such representatives of industry, agriculture, labor, consumers, state and local governments, and other groups as it deems advisable." Under this provision, the Council may exercise its own discretion as to the number and scope of any advisory committees.

Soon after the Council was appointed, it discussed the problem of consultation with members of the leading organizations representing industry, agriculture, and labor. Out of its discussions there has developed a broad network of separate advisory committees. While this means an exceedingly heavy schedule for the Council, the views of each group get far more attention than could otherwise be achieved. Only one of the participating organizations has proposed that the Council set up an over-all

coöperative professional assistance to the Joint Committee as, in its turn under the act, it comes to consider the fundamental materials contained in the President's Economic Reports as transmitted to the Congress." In Senator Flanders' article (*loc. cit. supra* in note 4), the position is taken that the Council, in addition to the tasks specifically assigned it by the Employment Act, should also "assist the Congress in any way necessary to secure the adoption of the President's economic programs." *Ibid.*, p. 224.

advisory group. But the proposal merely suggested joint meetings *in addition to* the present schedule of separate meetings.

The Council now meets three or four times a year with a business advisory committee, an agricultural advisory committee, and three committees representing the American Federation of Labor, the Congress of Industrial Organizations, and the Railway Labor Executives Association, respectively. It also meets twice a year with a consumer advisory committee composed of leaders from various women's, religious, professional, consumer, and public-interest organizations. It is now developing regular relationships with the associations representing state and local governments.

At these meetings, the Council has obtained valuable information and advice on basic problems to be dealt with in future economic reports, and valuable reactions to the previous reports. The agenda for each meeting is worked out jointly between the Council and members of the committees. The Joint Committee on the Economic Report is kept fully advised of the Council's program of consultation, and members of the Joint Committee's staff are invited to attend the Council's meetings with its advisory groups.

But the Council's contacts are not limited to these advisory committees. It has an open-door policy on consultation. Individual representatives of important companies or organizations eager to be heard by the Council are given a chance to express their views so far as time permits. Or, on occasion, executives of such organizations are invited to sit down at the Council table and examine a pending issue from all sides. The Council's relations with the economics profession also have been close. On the problem of monopoly and restrictive practices, the Council has initiated consultation with the outstanding professional economists working in this field. A similar procedure will be followed in due time on other problems.

VII

The Council's functions call for a small organization, not a large or greatly expanding staff. In June, 1947, when the Council appeared before the Senate Appropriations Committee, Senator Kenneth McKellar commented upon the vast scope of the Council's task in contrast with the small number of its employees. He read into the record a full description of the materials needed for the economic report of the President. "It seems to me that it would take more than seventeen employees," he remarked jocularly. "It looks to me as if that would take the whole government." Actually, the work of the Council does call upon the resources of "the whole government." This is recognized in the provision of the act that directs the Council to "utilize the service, facilities, and information (including statistical information) of other government agencies."

One way of insuring the fullest possible use of the resources provided

by other agencies is limitation of the Council's staff to a small organization with no inherent possibilities, let alone intentions, of duplicating work done elsewhere in the government. By June 30, 1948, the Council intended to increase the number of its economists very little beyond the figure mentioned by Senator McKellar. The staff of seventeen economists and a few part-time professional employees would be expanded to twenty-two. The total number of employees, including all secretarial and administrative personnel, would reach forty-eight—with one additional position divided among a number of non-governmental experts on a part-time basis.

The total cost to the taxpayer would be only a microscopic fraction of the savings made if the Council's work were to succeed even to a small extent in achieving a better coördination of federal policies or in offsetting mass unemployment and depression. The Council's request covering the fiscal year 1948 was for \$400,000, and the actual appropriation was \$350,000. Its budget request for the subsequent fiscal year was likewise \$400,000. Of this sum, \$318,000 was to be allocated for the payroll, including the Council members—\$27,000 below the \$345,000 ceiling which the act places upon personnel expenditures. The House cut the Council's budget to \$300,000.¹⁵ The Senate raised the figure to \$350,000.¹⁶

Operating within the framework of the strictest possible economy, the Council selects its staff with great care. Its principal economists must be persons of mature judgment-making ability who have the capacity and stature to deal directly with key federal officials and top representatives of economic groups, state and local governments, and private research organizations. Each principal economist must have great professional competence and understanding of the workings of the economy as a whole and in its interrelationships. Each must have a high degree of specialized knowledge of the problems, methods, and personnel of one of the following fields: labor market and labor relations; plant capacity, investment, and management; agriculture and food; flow of income, goods and services;

¹⁵ The House committee explained this report as follows: "The committee has allowed \$300,000 for the Council of Economic Advisers, a reduction of \$50,000 below the appropriation for 1948 and \$100,000 below the estimates for 1949. This agency has been the subject of searching inquiry on the part of the committee, many of the members being dubious as to its value. It appears that practically all of the information which the Council has used has been developed by other agencies of the government and could have been made available in useful form directly to the President by the agency originating it. There is little indication that, to date, the efforts of the Council in endeavoring to coördinate and interpret data have produced important results. However, this is a relatively new organization and the committee has made provision for it for another year and expects to follow its activities closely."

¹⁶ The report of the Senate Appropriations Committee stated: "The committee is of the opinion that the work of the Council is of real importance and value to the government in assisting in the presentation of a coördinated picture of the national economy." The next move is that of the conference committee.

price relations and price policies; international economic relations; development of human and material resources; construction and public works; veterans, social security, and welfare; taxation, debt, and banking. While each top staff member is assigned to one of these fields, working methods have been evolved to deal with problems that cut across two or more fields.

Assistance for these staff members is very limited. The Council's feeling is that basic research work should be done in the various government agencies and that most of the assistance needed can be obtained from them. For this purpose, a number of informal interdepartmental committees, made up of economists from various agencies, have been created.

The Council also uses the facilities of private research institutions. Members of the Council and its staff have been drawing upon special studies prepared by the National Bureau of Economic Research, the Twentieth Century Fund, the Brookings Institution, the National Industrial Conference Board, and other private research agencies. Consideration is being given also to entering into contracts with one or two of these bodies or with university groups for the performance of certain research tasks which otherwise would not be undertaken, though needed in the light of the objectives of the Employment Act.

In order to facilitate direction of staff effort and to make the best use of the capacities of individual Council members, a flexible division of labor among the Council members themselves has been developed. This has meant a parceling out, not of staff members, but of subjects. Sometimes a staff member consults with two members of the Council on the work he has under way—each on a different subject. Decisions about recommendations to be transmitted to the President are always made on the basis of a meeting of minds among the members of the Council.

VIII

In December, 1945—only a little more than two years ago—it was possible to say truly that "the federal government thus far lacks an organizational unit capable of mobilizing all government resources and efforts to the achievement of an accepted end."¹⁷ At the time this was written, the Employment Act was in an early legislative stage. There had not yet emerged within Congress—or, for that matter, outside of Congress—any firm or clear-cut conception of precisely what kind of organizational unit was needed.

Today, a large part of the gap pointed out by many students of political science and public administration is being filled by an agency that has

¹⁷ John J. Corson, "Organizing Government Staff Services for Full Employment," in this REVIEW, Vol. 39 (1945), p. 1169.

been established by law and that already has achieved an important degree of recognition within the structure of the federal government and by the public. As the Council gains in experience and maturity, it may be expected to demonstrate ever-increasing usefulness in assisting the President in "mobilizing all government resources and efforts" to achieve the end of "maximum employment, production, and purchasing power."

III. THE EXPERIENCE OF OTHER COUNTRIES

HAROLD W. DAVEY*

New York University

I

Formulation of national economic programs in other countries is generally conditioned today by domestic and external urgencies of crisis proportions. The evolving pattern is one of rapid change, administrative shifts, and internal conflict. Accurate reporting of governmental machinery thus is a difficult undertaking.

This survey is limited to countries which practice what we know as political democracy. Principal reference is made to the experience of Great Britain and France, with some attention to Australia, Canada, and the Scandinavian democracies. Czechoslovakia is mentioned also. The economic basis of politics in these countries has produced considerable diversity of aims and methods in the formulation of national economic programs. Yet there are some common features worth emphasizing. What are these areas of agreement?

First, the countries mentioned have acted on the lessons of the thirties.¹ All reject an absolutely free economy. There is frank recognition of the necessity for government planning. Both the political right and the political left in most of the countries share this conviction. The electorates are becoming increasingly program-conscious.

Second, none of the countries is committed to a belief that political democracy must be tied to a specified economic system. Experimentation with economic programs ranges from mild forms of socio-capitalism to virtually complete state socialism. Even the more conservative countries like Canada and Australia do not show any deep distrust of governmental

* Mr. Davey, executive director of the Institute of Economic Affairs, wishes to express his appreciation to Mrs. Alison E. Carter for her assistance in research for this article.

¹ For a thoughtful economic analysis of the thirties, see H. W. Arndt, *The Economic Lessons of the Nineteen-Thirties* (London, Royal Institute of International Affairs, 1944).

authority. All are searching for a realistic balance between public and private enterprise in a mixed economy.²

Third, planning for full employment as the long-range aim of national economic policy is common to the several governments. Most of them had formally acknowledged their responsibility for full employment well before the end of World War II.³ The task of adapting crisis programs to long-term plans for economic development is now their perplexing current obligation.

Fourth, and perhaps most important, determination persists to prevent planned economic action from impairing democratic political institutions. Legislative bodies continue to be virile. Parliamentary responsibility has been maintained. Political leaders are convinced that democratic planning can be both efficient and responsible.

Every country is faced by the inevitable legacy of war, which includes such serious and interrelated problems as (1) domestic inflation, (2) labor and material shortages, (3) conflict between capital and consumption requirements, (4) adverse impact of external forces on domestic economic objectives, and (5) internal tensions arising from government economic policies, or as a product of mounting international political conflict. These problems have produced national economic policies sharply distinguished from those pursued by the United States. There is, of course, a direct relationship between the severity of the economic crisis and the incidence of government regulation. Countries like Switzerland⁴ and Australia,⁵ which are—comparatively speaking—economically stable, do not exhibit

² Toynbee has made some cogent observations on this point in a recent article. He writes: "Great Britain and her West European neighbors are each trying to arrive at a working compromise—suited to their own economic conditions here and now, and subject to modification in either direction as these conditions may change for better or for worse—between unrestricted free enterprise and unlimited socialism. . . . In real life, every social system that can be observed at first hand or reconstructed from records is a mixed system, lying at some point between the two theoretical poles of undiluted socialism and undiluted free enterprise." Arnold J. Toynbee, "The International Outlook," *International Affairs*, Vol. 23 (Oct., 1947), pp. 475-476.

³ Best known is the famous British White Paper on *Employment Policy*, issued by the Churchill Government in May, 1944 (Cmd. 6527). For Canada, see Department of Reconstruction, *Employment and Income, with Special Reference to the Initial Period of Reconstruction* (Ottawa, Aug., 1945). For Australia, see Commonwealth Parliament, *Full Employment in Australia* (Canberra, May, 1945). For Sweden, see report of a Government Postwar Economic Planning Commission submitted in May, 1944: Finansdepartementet, *Utredningar angående ekonomisk efterkrigsplanering* (Stockholm, 1944).

⁴ Even Switzerland has recently found it essential to extend government control over economic affairs. See "The Extension of State Control in Switzerland," *The World Today*, Vol. 3 (1947), pp. 501ff.

⁵ An excellent recent study is E. Ronald Walker, *The Australian Economy in War and Reconstruction* (New York, 1947).

a trend toward pervasive control. On the other hand, France⁶ and Czechoslovakia⁷ have required sweeping public intervention.

II

Great Britain's experiment in economic planning holds perhaps the most interest for us. In broadest outline, the national economic program has a three-fold objective: (1) stabilization of the domestic economy through selective nationalization of key industries, combined with extensive direction of the flow of private investment and economic development; (2) rebuilding of the nation's export position to a point where Britain can become sufficiently strong to acquire unaided the requisite volume of imports to sustain her internal economy at full-employment levels; and (3) provision of a greatly expanded system of social and health benefits in line with the main proposals of the Beveridge Plan. The economic details and implications of Britain's program, or that of any other country, are beyond the scope of this paper.⁸ We are here concerned primarily with the governmental machinery for the formulation of national economic programs.

Initiative and responsibility for British planning rests in the executive branch. Within the Cabinet and the departments, a highly integrated planning machinery has been developed. The character and composition of planning agencies have shifted considerably since the Labor Government came to power. But the central concept of ministerial responsibility and accountability has remained intact.

One observes a growing awareness of the importance of "national economic budgets" in the formulation of over-all economic policy. The rôle of the Chancellor of the Exchequer has thus expanded considerably from one of essentially negative restraint of spending to a more positively influential one of advising expenditures in certain categories as determined by the findings of the national economic budget. Central planning and budgeting are closely coördinated in Britain and in the other countries here considered.⁹

⁶ André Philip, "France and the Economic Recovery of Europe," *Foreign Affairs*, Vol. 26 (Jan., 1948), pp. 325 ff.

⁷ For a thorough statement on Czech nationalization policies, see Samuel L. Sharp, *Nationalization of Key Industries in Eastern Europe* (Washington, 1946). Our survey considers only conditions before the March *coup d'état* in Czechoslovakia.

⁸ Three British White Papers are of considerable importance: *Economic Survey for 1947* (Cmd. 7046, Feb., 1947); *The National Income and Expenditure of the United Kingdom, 1938 to 1946* (Cmd. 7099, Apr., 1947); and *Statement on the Economic Considerations Affecting Relations between Employers and Workers* (Cmd. 7018, Jan., 1947). For recent analysis of Britain's economic situation, see Alexander L. Hood, "Great Britain's Economic Problem," *Harvard Business Review*, Vol. 25 (Autumn, 1947), pp. 625 ff.

⁹ See also F. G. Lee and R. Stevens, "Coördinating Policies and Operations in

The basic planning agency in Great Britain is the Economic Planning Board, which began operations in July, 1947.¹⁰ It is chaired by a chief planning officer or, occasionally, by the Lord President of the Council. The other members are three department heads (of the Board of Trade, the Ministry of Labor, and the Ministry of Supply), three members of the planning staff, the director of the Economic Section of the Cabinet Office, and six interested representatives nominated by industry and labor.¹¹ Representation of industry and labor on this agency is especially worthy of note. The British Cabinet Secretariat performs important functions of administrative coordination; its Economic Section and the Central Statistical Office are inconspicuous but important staff units.

The Planning Board's principal function is to develop long-term plans for use of the country's manpower and resources. The chief planning officer works directly under the Lord President of the Council, and has access to all department heads concerned with production.¹² Final decisions on policy, however, are made by the Cabinet.

The new austerity program¹³ has resulted in further centralization of authority under Sir Stafford Cripps as Britain's economic "czar." The aim is to achieve a close alignment between internal and external economic policies as Britain's "battle of the balance of payments" reaches the decisive stage.¹⁴ A new ministerial committee on economic planning has been established with the Prime Minister himself as chairman.¹⁵ It will consider principal issues requiring coordination of foreign and domestic economic policies. Sir Stafford's powers for directing production are sweeping in nature, but subject to check by the new ministerial committee and, of course, by Parliament. His position as Chancellor of the Exchequer, assumed immediately after the resignation of Hugh Dalton, further correlates central planning and central budgeting. More recently, he has created the post of Secretary of Economic Affairs in the Treasury, thus combining fiscal and economic affairs.

Although planning machinery is highly centralized in the executive branch, the Labor Government has not lost sight of the principle of parlia-

the Government of the United Kingdom," *Public Administration Review*, Vol. 6 (Autumn, 1946), pp. 354 ff.

¹⁰ See "The Plan and the Public," *Planning*, Vol. 14, No. 269 (July 25, 1947).

¹¹ *Ibid.*, p. 48.

¹² See "Report on Britain," *Labor and Industry in Britain*, Vol. 5 (1947), p. 158.

¹³ A good summary statement of its details is contained in "Steps to Beat the Crisis," *Labor and Industry in Britain*, Vol. 5 (Nov.-Dec., 1947), pp. 214 ff.

¹⁴ For an economic analysis of the relationship between Britain's trade position and her domestic economic program, see Alfred E. Kahn, "The British Balance of Payments and Problems of Domestic Policy," *Quarterly Journal of Economics*, Vol. 61 (May, 1947), pp. 368 ff.

¹⁵ *New York Times*, Sept. 30, 1947.

mentary responsibility.¹⁶ Those who feel that Parliament has become of secondary importance ignore the true nature of the parliamentary function. Parliament cannot be expected to legislate today in the early meaning of the term. As Mr. Laski has pointed out, the chief function of Parliament is to scrutinize executive policy and to ventilate grievances.¹⁷ Parliament provides a sounding board for discussion of government policy which enables the electorate to make its convictions felt. In the last analysis, Parliament still holds the whip hand over the Cabinet, no matter how broad may be its delegations of power or its grants of rule-making authority.

III

There has apparently been a considerable gap between intent and accomplishment in Britain's use of the consultative process in planning. Certainly no one could take issue with the excellent statement of the requirements of democratic planning contained in the *Economic Survey for 1947*.¹⁸ However, there is still widespread dissatisfaction among industry and labor groups about the Government's failure to take them into its confidence.¹⁹ To date, effective prior consultation has not gone very deep.²⁰

Effective industry and labor representation on the Economic Planning Board may be a partial answer to this criticism. Consultation with affected groups is indispensable in policy formation. It is also important to proper communication of national economic policy. The danger of inadequate consultation and communication policies has been ably stated by Sir Oliver Franks:²¹

"The Government does not do the work on which the realization of its programmes depends. The work is done outside Government by managements and workers on whose coöperation the Government must rely for the accomplishment of its policies. But how can this happen if industry and commerce do not know what it

¹⁶ Cf. "Whitehall and Parliament," *Labor and Industry in Britain*, Vol. 4 (1946), pp. 27 ff. See also Sir Henry Bunbury, "Proposed Changes in British Parliamentary Procedure," in this REVIEW, Vol. 40 (Aug., 1946), pp. 740 ff.

¹⁷ Harold J. Laski, "The Parliamentary and Presidential Systems," *Public Administration Review*, Vol. 4 (Autumn, 1944), pp. 347 ff.

¹⁸ *Op. cit. supra* in note 8.

¹⁹ The British National Union of Manufacturers, for example, which represents medium-sized and small manufacturers, expressed keen disappointment at the Government's failure to include it in nomination of industrial representatives to the Economic Planning Board. It expressed gratification at the Government's promise of periodic consultation, but pointed out quite correctly that "there is a wide disparity between consultation on isolated points and full coöperation in evolving main policy." Editorial, "The Planners and the Smaller Manufacturer," *N.U.M. Journal* (Aug., 1947).

²⁰ See *op. cit. supra* in note 10, p. 50.

²¹ Oliver Franks, *Central Planning and Control in War and Peace* (Cambridge, Mass., 1947), p. 34.

is all about? They cannot join in a national enterprise of which they do not know nor work hard for a purpose that has not been explained or commended to them. They can only set about their part in the whole scheme if the programmes are definitely set by Government as [to] what is to be brought about, and if the general plan for the economy from which they flow has been expounded and commended. Only so can the conditions of intelligent participation be realized and unity of purpose made possible among all who contribute to the common plan."

No account of British machinery for formulating national economic programs can ignore developments in nationalization of basic industries.²² Nationalization is of central importance to the Labor party's economic reforms. Its long-range plans for economic development and full employment are contingent upon the success of nationalization. The nationalization of the Bank of England, coal, civil aviation, telecommunications, railroads, inland waterways, and the London bus and subway system has already been consummated. Before the end of 1948, the British Transport Commission (recently set up to operate the railroads) will also take over interurban bus and truck systems. Nationalization of the electric-power industry has been voted by Parliament, but not yet effected at the time of this writing. Next on the agenda are the gas industry and portions of the iron and steel industry.

The public corporation has been the instrument of British nationalization in all cases.²³ In the more recent nationalization acts, the head of the appropriate department has been given greater authority over the corporation. The principle of ministerial responsibility to Parliament has been maintained in the nationalization program. Initial experience indicated that the responsible department head had not been given sufficient control over his ward to make his accountability to Parliament realistically effective. Further adjustment in the balance of power between responsible political officers and the semi-autonomous public corporations for nationalized industries may be expected. Such adjustment must reflect an understanding that "the public corporation has to combine two different and in some ways conflicting concepts—public responsibility and managerial freedom."²⁴

Faced with critical labor shortages, the Government is not at the moment concerned primarily with full-employment policy. In many of its

²² On British nationalization, see particularly William A. Robson, "The Administration of Nationalized Industries in Britain," *Public Administration Review*, Vol. 7 (Summer, 1947), pp. 161ff.; "Trade Unions under Nationalization," *Labor and Industry in Britain*, Vol. 5 (June, 1947); and "The Coal Board," *The Economist* (Sept. 20, 1947).

²³ See Robson, *loc. cit. supra* in note 22; Arthur D. Angel, "British Use of Public Corporations," *Social Research*, Vol. 14 (Sept., 1947), pp. 321 ff.

²⁴ "The Public Corporation," *Labor and Industry in Britain*, Vol. 5 (May, 1947), p. 95.

measures since it came to power in July, 1945, the Labor party has had a long-range eye on the necessity for a firm national policy to maintain full employment. Nationalization itself is an indirect but important factor. It widens the area of public investment in which direct control of capital outlays can be exercised.

The Government has also learned to appreciate the utility of fiscal policy as a counter-cyclical agent. It has taken to heart Lord Beveridge's pleas for controlled location of industry and organized mobility of labor as parts of a full-employment policy. His third condition of adequate total outlays seems certain to achieve proper recognition.²⁵ Great Britain gives evidence of having profited by prewar mistakes in public investment policy.²⁶

It is evident that the most appropriate mold for planning machinery has not yet been cast. The pattern remains flexible. British experience points to the following conclusions: (1) Central planning and central budgeting—with a "national economic budget" as the point of departure—must go hand in hand. (2) An agency for national economic planning should make provision for adequate representation of interest groups upon whose coöperation the success of its plans depends. Effective prior consultation must be developed. (3) While centralization of planning authority in the executive branch is necessary, the principle of ministerial responsibility to Parliament can and must be maintained and strengthened.

IV

France provides a discouraging example of how internal political upheaval may sabotage national economic policy. Her main plan for economic recovery and industrial modernization is popularly known as the Monnet Plan. Even though the plan now appears to be a lost cause, the history of its formulation has considerable interest.²⁷

France's efforts at postwar planning began before liberation. General de Gaulle established an economic committee in Algiers in 1944. After

²⁵ For a clear summary contrasting the Beveridge approach to full employment with that of the White Paper on *Employment Policy* (Cmd. 6527), see Alvin H. Hansen, *Economic Policy and Full Employment* (New York, 1947), pp. 57-81. In this book Hansen has also provided a summary analysis of postwar plans for full employment in Canada, Australia, Sweden, and the United States.

²⁶ An analysis of British experience in the thirties and postwar plans in relation to public investment as a counter-cyclical factor is given in Benjamin Higgins' study for the International Labour Office, *Public Investment and Full Employment* (Montreal, 1946), pp. 167 ff., 259 ff.

²⁷ The ensuing account is based largely on Edgar Beigel's article, "France Moves Toward National Planning," *Political Science Quarterly*, Vol. 62 (Sept., 1947), pp. 381 ff. See also "French Economic Recovery: The Monnet Plan," *The World Today*, Vol. 3 (Mar., 1947), pp. 132 ff.

liberation, the Ministry of National Economy, created in 1936, was re-established. Its head became vice-president of the economic committee. The latter was to develop reconstruction plans and foreign economic policy. Progress was slow. Disputes among cabinet officers precluded emphasis on a coördinated plan.

In 1946, a National Planning Council was set up by cabinet decree to increase production, stimulate exports, provide full employment, raise the standard of living, and facilitate reconstruction of damaged plant and equipment. The Council's membership included the president of the Republic as head, the entire cabinet, and eighteen representatives of the principal French economic interest groups chosen for their competence.

A *Commissariat Général du Plan* was responsible for drawing up the Monnet Plan. By a decree of January 3, 1946, all programs relating to economic planning were to be referred to this body. It proceeded to establish eighteen modernization commissions and seventy-nine subcommissions. It then harmonized the plans drawn up by the commissions and the government departments into an integrated whole.

The Monnet Plan was submitted to the Planning Council in November, 1946, for consideration on the policy level. First steps toward its implementation were taken early in 1947. A decree of January 16, 1947, continued the *Commissariat* as a permanent commission responsible to the Planning Council. Progress reports were required every six months. The head of the *Commissariat* worked with the Directorate of Economic Programs in the Ministry of National Economy. Coördination with the latter and with the Ministry of Industrial Production was naturally of great importance.

The specific industrial programs were to be effected by ministerial orders and in consultation with industry advisory councils. France has developed since her liberation an extensive system of labor-management committees, especially in plants of one hundred or more workers, which have been of considerable influence in increasing production. Such committees could have played a vital rôle in fulfilling the production objectives of the Monnet Plan. However, with food hoarding by farmers, gold hoarding by capitalists, drastic monetary and price inflation, strikes, and a failure in the export drive, a comprehensive four-year program such as the Monnet Plan has slight prospect of success.

France was not in a position during the war to develop policy statements on the government's postwar economic responsibility. The constitution of October, 1946, however, contains a clear-cut statement of such responsibility. The preamble declares that "everyone has the duty to work and the right to obtain employment." Article 25 provides for the creation of an Economic Council which must be consulted by the Council of Ministers "concerning the establishment of a national economic plan for

full employment and the rational utilization of our material resources."

Democratic planning faces a stormier path in France than in Great Britain. French experience warrants the conclusion that a minimum of political unity and community of economic objectives is essential if national economic policy is to be democratically arrived at and successfully implemented. Upon reflection, the Monnet Plan appears to be in the main²⁸ a sound national economic program, though foundering on the rocks of political cleavage.²⁹

V

The Scandinavian democracies have a long tradition of intelligent democratic planning, and their postwar progress reflects this background of earlier experimentation. Effective use is being made of "national economic budgets." Each of the countries has a strong parliamentary democracy.

Sweden established an Economic Planning Commission in February, 1944. The breadth of its membership is of considerable interest. The commission consisted of twenty-one members, including eleven members of the Riksdag and representatives of employers' associations, trade unions, chambers of commerce, the coöperative movement, women's organizations, agriculture, and the exporting industries.³⁰ Sweden for many years has had a mixed economy. Her postwar policies reflect this condition.

Sweden was one democracy that did not make serious prewar mistakes in public-investment policy.³¹ Her postwar plans include some innovations in attaining full employment. Chief of these is a National Investment Council, recommended by the Economic Planning Commission. It is composed of representatives of business organizations, labor unions, and government agencies. The Council's main function is advisory, but it is to aid in bringing about coördination of private investment with government policy.³² More recently, the main initiative has been shifted to a cabinet member without portfolio who, at the head of a small staff, relies on other government agencies for supporting action in investment control.

²⁸ Of course, the Monnet Plan itself has been the subject of legitimate criticism for its own inflationary potentialities, partly because its production goals involve heavy expenditures on capital goods during a period of critical labor and supply shortages.

²⁹ France has undertaken rather extensive nationalization measures. See David H. Pinky, "Nationalization of Key Industries and Credit in France after the Liberation," *Political Science Quarterly*, Vol. 62 (Sept., 1947), pp. 368 ff.; "Nationalization of Banks and Industries in France," *International Labour Review*, Vol. 54 (Sept., 1946), pp. 206 ff.

³⁰ Cf. Hansen, *op. cit. supra* in note 25, p. 98.

³¹ See International Labour Office, *op. cit. supra* in note 26, p. 203.

³² Cf. Hansen, *op. cit. supra* in note 25, p. 101.

Other features of Sweden's economic policy include stock-piling during slumps, extensive financial support of urban residential building, and plans for subsidizing the purchase of consumer durable goods as a counter-cyclical measure.

Of late, Sweden has engaged in its own "battle of the balance of payments."³³ Prompt counter-measures have been taken by the Swedish government. These include severe import restrictions, deferment of new plant construction, heavier luxury taxes, and measures to add to the country's vanishing supply of "hard" currencies.

Like Sweden, both Norway and Denmark are confronted by serious problems, arising largely from their foreign-trade position. Norway is making use of her budget not only as an aid in projections and forecasts, but also as an instrument for formulating a program of national economic policy under scarcity conditions.³⁴ Denmark, too, faces grave political and economic problems.³⁵ Yet the Scandinavian democracies have an advantage in national planning since their electorates are generally sympathetic to the necessity for government action in economic affairs.

Before the Communist *coup*, Czechoslovakia had gone farthest toward state socialism while trying to hold on to democratic processes.³⁶ Her domestic economic policies still appeared to be the result of freely arrived at decisions, commanding strong public support. Czechoslovakia was the first of the European countries to adopt an inclusive nationalization law;³⁷ and nationalization, under this law might embrace about eighty per cent of her economy. Over two-thirds of Czech industry and all banking and insurance are now made up of "national enterprises."

Great Britain and France proceeded with one industry at a time, through parliamentary channels. Czechoslovakia's nationalization, accomplished by presidential decrees issued October 24, 1945, has been wholesale. The decrees were later given blanket approval by the Provisional Assembly, but they became effective on the day of promulgation. All Czech parties supported the nationalization decrees.

Czech national enterprises are independent entities subject to taxation. A managing committee headed by a manager is the authority for each national enterprise. Central coördinating authorities may be established for the purpose of unified representation in matters common to national

³³ Cf. "Sweden's Economic Crisis," *The World Today*, Vol. 3 (Dec., 1947), pp. 537 ff.

³⁴ "The national budget for 1947 has, as far as possible, been set up as a programme of economic policy." *Official Summary* of the budget, prepared by the Norwegian Ministry of Finance, p. 3.

³⁵ See "Denmark Today: Political and Economic Problems," *The World Today*, Vol. 3 (Nov., 1947), pp. 477 ff.

³⁶ Cf. "Czechoslovakia at the Crossroads," *ibid.*, pp. 511 ff.

³⁷ Sharp, *op. cit.* *supra* in note 7, p. 13.

enterprises on an industry basis. Although the national enterprises are to operate independently and "according to the principles of commercial enterprise," a high degree of centralized control is vested in the Czech Ministry of Industry.

VI

This survey closes with a brief examination of Australian and Canadian experience in the formulation of postwar economic programs. Full employment is a fundamental aim of Australian and Canadian policy. Both countries, during World War II, issued statements of government policy on full employment.³⁸ Both assign a major rôle to the counter-cyclical use of public investment in their postwar plans.

Australia's White Paper on full employment reveals throughout a cautious respect for the difficulties in relationships between the Commonwealth and the states. It stresses the need for intimate coöperation if the national objective of full employment is to be achieved. A concrete beginning in collaboration was made in 1943 with the creation of a National Works Council,³⁹ the chief function of which has been coördination of Commonwealth-state developmental and capital projects. Changes in state plans can be made only by the state, but the Council has power to determine priorities.

Amendments designed to strengthen the Commonwealth's limited economic powers were submitted to a referendum in August, 1944. Although the government deemed these added powers essential for postwar reconstruction, the amendments were voted down. Australia, since the end of the war, has continued to experience a reaction against Commonwealth control. The nationalization of banks has encountered strong opposition.⁴⁰

The Commonwealth has therefore concentrated on developing machinery for frequent and regular consultation with the state governments, utilizing chiefly the Premiers' Conferences and the Conferences of Commonwealth and state ministers as appropriate instruments. Since these conferences can deal only with "major matters of principle," the Commonwealth government has urged their supplementation by meetings of Commonwealth and state officials for the following purposes:⁴¹ (1) to clarify proposals which may subsequently need to be considered by premiers in order that the fullest information may be available to both Commonwealth and state officers; (2) to work out detailed proposals

³⁸ Cited *supra* in note 3.

³⁹ See International Labour Office, *op. cit. supra* in note 26, pp. 211 ff.; R. I. Downing, "The Planning of Public Investment in Australia," *International Labour Review*, Vol. 52 (Oct., 1945), pp. 352 ff.

⁴⁰ *New York Herald Tribune*, Oct. 16, 1947.

⁴¹ Australian White Paper on *Full Employment in Australia*, cited *supra* in note 3.

agreed upon in principle at Premiers' Conferences for subsequent confirmation by those conferences; and (3) to coördinate the administrative arrangements of Commonwealth and state agencies for carrying out proposals agreed upon.

Federalism has been a problem for Canada⁴² as well as Australia in working out a national economic policy. Like Australia, Canada set to work early on a postwar full-employment policy in which use of fiscal power and public investment plays a large part. Canada's chief problem is to secure proper coördination of Dominion and provincial policies for right timing of public-investment outlays. Technical assistance and grants-in-aid to provinces and municipalities will be important instruments of national policy.

The department primarily concerned with postwar planning in Canada has been the Ministry of Reconstruction and Supply. One of its most significant elements is the Economic Research Branch, a professional staff engaged in study and analysis of economic problems and trends. Though presenting no official policy recommendations, the branch is a widely used source of advice to department heads and other officers. A recent move has been the assumption of the portfolio of the Ministry of Trade and Commerce by the head of the Ministry of Reconstruction and Supply. The two departments, of course, have maintained their separate identity and organization. However, this unification of responsibility contributes to proper correlation of domestic and external policy.

Parliamentary institutions remain strong in both Canada and Australia. Each country exhibits a strong animus against controls of a pervasive character. Each accepts governmental initiative in economic planning as a response to need.

VII

Although the countries whose experience has been emphasized here are traditional democracies, and although their economic problems are in some ways similar to our own, it would be misleading to conclude that we can freely borrow for our own use from their experience. Within the predictable future, the maintenance of full employment in the United States must and should be accomplished with the now existing tools of government.

However, the working of our own program-formulating machinery can be improved by a better understanding of the experience of other democracies. We are not in a position to rest on our oars. Evolutionary change is

⁴² See F. R. Scott, "Special Nature of Canadian Federalism," *Canadian Journal of Economics and Political Science*, Vol. 13 (Feb., 1947), pp. 13 ff.; and by the same author, "Constitutional Adaptations to Changing Functions of Government," *ibid.*, Vol. 11 (Aug., 1945), pp. 329 ff.

the common denominator in the countries examined. Flexibility and adaptability are indispensable to the effective formulation and implementation of national economic programs.

The following summary observations are especially pertinent to our own problems:

(1) The record indicates that extensive economic planning by government *can be* compatible with a virile political democracy.

(2) Central planning demands a high degree of coördination in the executive branch. Responsibility to the legislature must always be maintained, but executive initiative in formulation and execution of plans must be encouraged.

(3) A central planning agency whose membership includes the heads of key departments (rather than a purely staff agency) appears to be preferred.

(4) Direct representation on such central planning agency of the chief interest groups affected by national economic policy has been the tendency in other countries. An important corollary here is the necessity for prior consultation with all affected groups, especially in the preliminary stages of program preparation.

(5) Experience in all countries shows the importance of close coördination between central planning agencies and central budgeting organs. The point of departure for such coördination is the use of a "national economic budget" as the basis for the economic program.

(6) The countries examined have an advantage in planning national economic programs because their electorates are relatively program-conscious. A widely held conviction of the necessity for purposive government action in economic affairs is a valuable support to effective planning.

IV. CONGRESSIONAL RESPONSIBILITIES

CLARENCE CANNON*

United States Congress

I

In recent years, we have witnessed much earnest debate—and still more loose talk—about the need for a national economic program. All economic systems, of course, require for their success an intelligent concern with available resources; with ways and means of making best use of these resources; and with the essential conditions of productivity and

* Member, Democratic Steering Committee, House of Representatives; Joint Committee on Reduction of Non-Essential Federal Expenditures; and Joint Committee on the Legislative Budget. Ranking minority member and former chairman, House Committee on Appropriations.

stability. Such concern may take greatly varying forms, but everywhere throughout the Western world it has resulted in an increasing degree of governmental guidance in sustaining the vitality of the economic order. In the United States, the dark memories of the great depression and the miracle of wartime production have led the people to reject the idea of an inevitable succession of boom and collapse. Control of the business cycle, on the other hand, calls for both a common basic objective and a concert of efforts, private and public. The case for a national economic program rests on its integrating effect in serving these twin purposes.

Formulation of a program of such comprehensive character is necessarily surrounded by many complicated technical problems. There is the matter of adequacy of statistical information. There is the question of an analytical approach sufficiently refined to guard against fatal errors. There is the problem of governmental staff organization. Students and men of practical affairs have devoted a good deal of thought to each of these aspects. One point, however, thus far has found much less attention. It is the central proposition that under our Constitution the federal government is able to commit itself to an economic program only by legislative action.

As a minimum, this means two things. In the first place, it means that no economic program rightly called the federal government's will ever show much resemblance to an economist's dream—or even to the composite picture of the dreams of a thousand economists. The reason is obvious. Legislation is political business. It is the business of compounding distinct and divergent interests into progressively broader understandings and agreements. The threads of theoretical logic, however well spun, would never withstand the powerful pull between these interests. Strong ties are needed, worked out in political compromise. A national economic program, therefore, will always be at the same time a political program, and be more of a real commitment and less of a paper formula for this very reason.

In the second place, the kind of legislative action in which a national economic program may find expression is likely to reflect the way the law-making body generally goes about its business. Some people, for example, seem to think it possible for a legislature to adopt a full-fledged economic program in one fell swoop, presumably on the basis of extensive committee work. Others apparently assume that once such a program is agreed upon in broad outline, all proposed legislation will duly proceed from this foundation. Neither the one nor the other expectation bears any substantial relation to the realities of American party government as we observe them in the work of the lawmaking branch. Congress is properly responsive to popular needs, but its traditions favor a considerable freedom of individual determination on the part of its members.

Weak as the incentives toward party solidarity may be in comparison with organized pressures, it is nevertheless self-evident that no party can safely sacrifice consistency in its legislative record. This applies with particular force to its chances of capturing or retaining the presidency. Being in command of the executive branch carries with it important advantages not only to the party at large and its leadership, but also to its members in Congress individually. As a consequence, ever since the days of Thomas Jefferson and Alexander Hamilton party platforms have contained the elements of economic programs, if only in rudimentary form. Indeed, party government brings about something like an ever-present compulsion toward coherence in legislation. Although this compulsion is not always equally strong, it serves as a welcome check upon those factors and forces that tend to push each party in many different directions at once.

Deference to program, then, is not a novel feature of American politics. Yet it is quite true that our unparalleled economic development has affected both the order of magnitude and the subtleties of inner balance one must consider today in any attempt at framing a national economic program. All of our great sources of economic strength—agriculture, industry, trade, transportation, and other indispensable services—have grown continuously more interdependent. Time was when the farmer's worries and those of the business man could be dealt with in the legislative forum as if they were separate and unrelated. Our present struggle against inflationary tendencies will have taught every citizen that remedial action by government cannot simply aim at one particular component of our economic structure. Such action must be so designed as to exert its influence at a variety of crucial points throughout the national economy.

In playing its constitutional rôle as the supreme legislative agent of the people, Congress bears a heavy burden of responsibility for helping to safeguard the nation's economic health. All of us know that a recurrence of economic breakdown not only would be a domestic calamity but also would profoundly affect our international position in a most critical period. In order to exercise its legislative powers wisely, Congress therefore has to view the economic order as a whole. A national economic program can aid significantly in fostering this widely inclusive orientation. But we need more than a proper point of view. We also need appropriate procedure.

Two such procedural devices have been adopted by the Seventy-ninth Congress. The first was furnished by the Employment Act of 1946, in the provisions relating to the legislative treatment of the President's economic reports. The second was supplied in the Legislative Reorganization Act of the same year, in the clause providing for congressional determination of a ceiling for the annual budget of the federal government. I intend here to discuss the merits of these two new devices.

II

In the Employment Act of 1946, Congress declared "that it is the continuing policy and responsibility of the Federal Government to use all practicable means consistent with its needs and obligations and other essential considerations of national policy, with the assistance and co-operation of industry, agriculture, labor, and state and local governments, to coördinate and utilize all its plans, functions, and resources for the purpose of creating and maintaining, in a manner calculated to foster and promote free competitive enterprise and the general welfare, conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power."¹ This lengthy sentence may not disclose its full meaning on first reading, but it is the most explicit acknowledgment by Congress of the value of correlating divers legislative measures into a national economic program.

To implement its goal, the act charged the President with the duty of transmitting to Congress at the beginning of each regular session an economic report, and subsidiary reports at his discretion. Under the law, the annual economic report of the President, to be prepared with the assistance of a new Council of Economic Advisers, is to contain prescribed types of economic data and to set forth "a program" for carrying out the policy laid down in the statute, "together with such recommendations for legislation as he may deem necessary or desirable."² The law also provides for the establishment in Congress of a Joint Committee on the Economic Report, made up of fourteen members selected equally from both chambers. The joint committee has the function "(1) to make a continuing study of matters relating to the Economic Report; (2) to study means of coördinating programs in order to further the policy of this act; and (3) as a guide to the several committees of the Congress dealing with legislation relating to the Economic Report, not later than February 1 of each year (beginning with the year 1947), to file a report with the Senate and the House of Representatives containing its findings and recommendations with respect to each of the main recommendations made by the President in the Economic Report, and from time to time to make such other reports and recommendations to the Senate and House of Representatives as it deems advisable."³

It may be noted that this last provision governing congressional procedure represents a marked departure from the proposals of the early sponsors of "full employment" legislation. The original Senate bill called for a joint resolution to incorporate the general economic policy of the

¹ Sect. 2 of the act.

² Sect. 3.

³ Sect. 5.

federal government.⁴ Just how far in actual fact the joint resolution might have had binding effect upon subsequent congressional action appears at best a matter of conjecture. It is clear, however, that even the less stringent arrangement embodied in the Employment Act presupposes some willingness on the part of the various committees of Congress to accept the recommendations of the Joint Committee on the Economic Report as a general line of legislative policy. This raises a nice question to which I shall later return.

The Legislative Reorganization Act of 1946 attempts to supplement the Employment Act in one crucial field—the field of fiscal policy. Section 138 seeks to control the size and the substance of the federal budget by pooling the resources of the four standing committees of Congress concerned with government finance—the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives on the one side, and the Committee on Finance and the Committee on Appropriations of the Senate on the other. The four committees are directed “to meet jointly at the beginning of each regular session of Congress and after study and consultation, giving due consideration to the budget recommendations of the President, report to their respective houses a legislative budget for the ensuing fiscal year, including the estimated over-all federal receipts and expenditures for such year.” The legislative budget is to be adopted by a concurrent resolution “fixing the maximum amount to be appropriated for expenditure in such year.”

The report of the Joint Committee on the Legislative Budget, to be submitted by February 15, “shall contain a recommendation for the maximum amount to be appropriated for expenditure in such year which shall include such an amount to be reserved for deficiencies as may be deemed necessary.” In case the estimated receipts are higher than the estimated expenditures, the report “shall contain a recommendation for a reduction in the public debt.” Should the estimated expenditures exceed the estimated receipts, the amount by which the public debt must be increased to meet the deficit is to be determined in the concurrent resolution.

The idea of a legislative determination of the federal budget as a whole is by no means new. Swagar Sherley, a leading member and later chairman of the House Appropriations Committee, apparently suggested its essence before World War I. He returned to the subject in his testimony during the deliberations which led to the passage of the Budget and Accounting Act of 1921. The protagonists of congressional reorganization during recent years made much of the obvious desirability of giving focus to the

⁴ For a discussion of the original Senate bill, see Senator James E. Murray, “A Practical Approach,” in this REVIEW, Vol. 39 (1945), pp. 1119 ff.

relationship between federal revenue and expenditure.⁵ No one will quarrel with their general position. But it is a different matter to find a workable solution to the problem of financial balance and sound budgetary policy.

III

To say that in their initial test during the first session of the Eightieth Congress the two new procedural devices centered in the Joint Committee on the Economic Report and the Joint Committee on the Legislative Budget failed to live up to the expectations of their proponents would be a supreme understatement. To be sure, the change of political control from one party to the other inevitably played a rôle in this outcome. Another factor—and probably one of larger significance—was the barrage of extravagant pronouncements coming from the leaders of the majority party about the scope of economies to be achieved by reducing the federal budget.

The Joint Committee on the Economic Report was appointed only toward the close of the Seventy-ninth Congress. Because the elections eliminated five members, the committee was faced with the task of reconstituting itself. When the time came for presenting its findings and recommendations on the President's first economic report, the committee was able to do no more than promise further study.⁶ Its report to Congress, in the words of Senator Ralph E. Flanders, was "short and apologetic."⁷ The report nowhere came near to affording Congress any general guidance on pressing issues of economic policy.

Of greater importance is the fact that the Joint Committee on the Economic Report has naturally found it difficult to exert a positive influence upon the work of other committees confronted with legislative proposals in various fields. To quote Senator Flanders again: "As an adviser to the several committees of the Congress on specific economic matters, the Committee faces a delicate question of relationship. To avoid any possible criticism on the part of other committees, the few recommendations made during the first year were informal—members of the Joint Committee carrying the word to members of the committee having primary jurisdiction over the subject bill. This procedure, of course, was facilitated to a limited extent by cross membership. Members of the Joint Committee were on ten of the fifteen standing committees in the

⁵ For a review of the Legislative Reorganization Act and its background, see Robert M. La Follette, Jr., "Systematizing Congressional Control," in this REVIEW, Vol. 41 (1947), pp. 58 ff.

⁶ *Report of the Joint Committee on the Economic Report*, 80th Cong., 1st Sess., House of Representatives, No. 12 (Feb. 3, 1947).

⁷ Senator Ralph E. Flanders, "Administering the Employment Act—The First Year," *Public Administration Review*, Vol. 7 (1947), p. 225.

Senate, but only six of the nineteen committees in the House. A number of the committees which were not represented were of no great importance in implementing an economic program, but it would seem an omission to have had no members of the House Appropriations or Ways and Means Committees on the Joint Committee when these two groups are so important in establishing government fiscal policy. Neither the Senate nor the House Committee on Foreign Relations was represented on the Joint Committee."⁸ What needs to be added here, I think, is the point that adequate representation of different policy areas in itself does not solve the problem posed in the statutory reference to the guiding function of the Joint Committee with respect to other committees. This problem is likely to be both tough and persistent.

Each standing committee of Congress, with considerable justification, looks upon itself as a body of experts in the sphere covered by its jurisdiction. Each committee will therefore be reluctant to abandon its own point of view in favor of another one conveyed in the recommendations of the Joint Committee on the Economic Report. It is difficult to see how the joint committee can hope for an atmosphere of receptivity toward its proposals unless it develops procedures by which it can draw into its own deliberations enough of the thinking that goes on in the several standing committees. To accomplish this end may not be an easy job. At the very least, it will take time. Yet it is plain that the effectiveness of the joint committee as a legislative guide for the whole of Congress will be proportionate to the degree in which the committee is able to express a broader consensus throughout the legislative branch.

The Joint Committee on the Legislative Budget, during the first session of the Eightieth Congress, turned in an even less convincing performance. Its report,⁹ although immediately adopted in the House, ran into difficulties in the Senate. After much debate, the Senate voted to depart from the committee recommendation. The conference committee to iron out the difference between the two chambers stalled after a few meetings, and that was the end of the business. Congress took no further action on the proposal of the Joint Committee.

This result had been foreshadowed by the way in which the majority party had approached the task at hand. Committed in advance to a large tax cut, it attempted to use the mechanism of the legislative budget as a stepping stone in pursuit of its tax program. Quite properly, the minority party refused to go along with this *tour de force*. Its position was indicated in the statement of minority views attached to the report of the Joint Committee on the Legislative Budget.¹⁰

⁸ *Ibid.*, p. 226.

⁹ *Report of the Joint Committee on the Legislative Budget*, 80th Cong., 1st Sess., House of Representatives, No. 35 (Feb. 15, 1947).

¹⁰ *Ibid.*, pp. 6-7.

The minority members of the Joint Committee explicitly reasserted "their determination to reduce appropriations, after hearing testimony, to the utmost consistent with the public good." But they were equally explicit in substantiating their objections to the majority recommendations. They stressed the pertinent facts as follows: "The Congress has been in session approximately six weeks. During this time, only three meetings of the committee have been called. Only two witnesses have been heard. No actual hearings have been held. In view of this unwarranted delay, we feel that instead of bringing out the majority report at this time without any basis of fact, Section 138(a) of the Legislative Reorganization Act of 1946 should be amended to permit sufficient delay to give the committees and subcommittees opportunity to hold hearings and obtain essential information in order to make estimates of appropriations and rescissions with some degree of accuracy." And the minority members added: "No itemized estimate of major reductions has been submitted either in the majority report or in the discussion of the resolution proposed by the report. As a matter of fact, no information is available upon which to predicate such an estimate. As a result, any vote for the reduction proposed in the report is a vote to cut without knowing what is to be cut, how much is to be cut, or where the cut is to be made. In order to reach any accurate conclusion on the proposed reductions, it will be necessary to delay consideration until hearings can be held and factual data developed." A blind guess, in short, is as bad as a futile gesture.

The bogey of delay had been blown up to formidable proportions inside and outside the Joint Committee on the Legislative Budget. Delay, of course, can be offset by buckling down to work. As I said on the floor of the House in response to the contention that preparation of a more detailed legislative budget would have taken until Christmas: "Such a statement is ridiculous. According to the Committee on Appropriation's published schedule, the committee with only 43 members must examine every item and report to the House not later than May 16. The Joint Committee with 102 members could subdivide into subcommittees and report in 2 or 3 weeks."¹¹

Toward the end of the first session, I came back to the question of delay. I pointed out that in view of the provisions of the Legislative Reorganization Act, "long before the November elections of last year, as chairman of the Committee on Appropriations, I took time by the forelock and arranged for as much advance preparation as appeared practicable of accomplishment prior to the meeting of the new Congress in order to avoid any delay in meeting the date line named in the statute. My responsibility ceased with the transfer of party stewardship. To this date,

¹¹ *Cong. Record*, Vol. 93, p. 1207 (Feb. 20, 1947).

the law has not been complied with."¹² My plea for action was in vain.

If, during the first session of the Eightieth Congress, practical experience with the new procedure for the establishment of a legislative budget strongly suggested its unworkable character, its second application in the current session emphatically confirmed the fact.¹³ This time the report of the Joint Committee on the Legislative Budget¹⁴ was merely a formal gesture to absolve the party in power from the charge of violating the law by default. There was general agreement that the report meant nothing. The deficiencies of the procedure¹⁵ were spotlighted sharply in the dissent by the minority from the committee report.¹⁶ To quote:

"The Legislative Reorganization Act requires the recommendation of a Legislative Budget and provides for its preparation and submission after an analysis and study. . . . There has been no such analysis or study. On the contrary, the Joint Committee was called together after its organization meeting and without intervening hearings, discussions, inquiries, or investigation, was asked to adopt a Legislative Budget in definite amounts without justifications or itemization of any kind. We cannot join in such flagrant disregard of the spirit of the law.

No Legislative Budget, logically premised, can precede a detailed study of the estimates. And such study under established procedure cannot be undertaken and completed in time to meet the February 15 date line designated in the Legislative Reorganization Act. This was conclusively evidenced in the abortive attempt to enact a Legislative Budget for the current fiscal year. . . . With that failure to carry out the express provisions of the law still fresh in the recollection of the country, we are unwilling to be parties to the adoption of an arbitrary recommendation which, due to lack of information on which to base a justifiable conclusion, will be just as ineffectual, and fully as drastic a violation of the spirit of the law. . . .

The report of the Joint Committee proposes a reduction in expenditures of 2.5 billion dollars. It affords no indication of the yielding sources or the specific items from which such reductions are to be made. The report notably fails to take into consideration any expenditure demands not contemplated by the Budget, the ap-

¹² *Cong. Record*, Vol. 93, pp. 10543-10544 (July 26, 1947).

¹³ This point of view has also been expressed to me by Marcellus C. Sheild, for many years clerk of the House Appropriations Committee, now retired—and he is one of the most competent judges on the subject I can think of. Mr. Sheild has set forth his own ideas in a paper entitled "Improvement in the Federal Budget Function from the Congressional Viewpoint," presented April 22, 1947, to the Round Table on Budgetary Control of the Federal Program, sponsored by the Washington Chapter of the Society for the Advancement of Management. See also L. B. Wheildon, "Legislative Budget-Making," *Editorial Research Reports*, Vol. I, No. 1 (Jan. 6, 1948).

¹⁴ *Report of the Joint Committee on the Legislative Budget*, 80th Cong., 2nd Sess., House of Representatives, No. 1361 (Feb. 9, 1948).

¹⁵ It should perhaps be said in passing that its deficiencies by no means reduce themselves to the problem of building up a congressional staff adequate to the purposes of the Joint Committee on the Legislative Budget. This is the main remedy proposed, for instance, in James A. Maxwell, "Fiscal Program of the 80th Congress," *Harvard Business Review*, Vol. 26 (1948), p. 72. Staff assistance, certainly, is necessary; but one can also make too much of this requirement.

¹⁶ *Loc cit. supra* in note 14, p. 6 ff.

proval of which would necessitate deeper drafts upon pending appropriation requests in order to effect the 2.5 billion dollar goal recommended in the proposed resolution. As a matter of fact, approval already has been given to such unpredicted and unbudgeted expenditure demands.

To attain the objective of the 2.5 billion dollar reduction recommended by the majority report would entail reductions in the requested appropriations many times the amount of such objective because, it should be borne in mind, the proposed reduction refers to expenditures from appropriations, and appropriations almost universally exceed the expenditures therefrom during the fiscal year of their availability. To illustrate, while the Budget proposes new appropriations for 1949 of 32.9 billion dollars, expenditures therefrom during 1949 are estimated to be 4.5 billion dollars less. Obviously, therefore, to effect an expenditure reduction of 2.5 billion dollars, it would be necessary to reduce the appropriations to which such reduction would be applied by a much larger amount. The question is, where would such an appropriation reduction be made without harm to the public interest? The Joint Committee does not know; we do not know; nor does anyone know. And no one can know definitely until opportunity has been afforded to study the estimates and conditions affecting them.

To subscribe to a fixed total reduction at this time, therefore, with every constituent factor (including total prospective appropriations and expenditures, over-all federal receipts, tax reduction and foreign aid) undetermined and undeterminable, would be obviously absurd and nothing short of an indefensible subterfuge.

In the absence of any attempt to make the budget provisions of the Legislative Reorganization Act applicable or workable, we shall continue, as we have in the past, to examine the appropriation requests in accordance with long established procedure and advocate, or join in advocating, any economies that appear to be practicable and consistent with the public interest."

In brief, it is altogether evident that the budget provisions of the Legislative Reorganization Act have become virtually defunct. No mere readjustment of the submission date of the joint resolution alone will change the situation. This conclusion is today widely shared among the members of the Joint Committee on the Legislative Budget. As it stands now, the law is a dead letter. To design a procedure appropriate to the ends envisaged by the sponsors of the idea of a legislative budget will require much careful thought.

V. CONSOLIDATING PARTY CONTROL

MERLE FAINSD

Harvard University

I

"The essential function of the party in the United States," A. Lawrence Lowell once said, "lies not so much in presenting alternatives on public questions as in presenting alternative candidates for election." The old saw that platforms are made not to stand on but to get in on is more than a cynical tribute to the manipulative capacities of party leaders. It

registers a recognition that, whatever other purposes the major parties may serve, they are not presently effective instruments for presenting the country with contrasting vistas of economic policy or well-being. The platforms of the major parties over the years reflect a moving consensus of broad electoral agreement; they rarely present significantly differentiated long-term program alternatives.

Initiative in formulating the government's economic program ordinarily lies with the executive. The ingredients of the program will doubtless be blended to have maximum political appeal. Congressional leaders may be consulted to make sure that the dish is tasty. But the rôle of the central party organization in program-making tends to be a minor one. The opposition party may present a superficial appearance of unity in mobilizing its congressional strength to defeat this program, but much greater difficulty arises in agreeing on a positive pattern of alternatives. Congressional leadership is dispersed, and the weak central party organization outside of Congress has little to contribute toward integration.

Administrators and legislators charged with the responsibility for co-ordinated program-making have found the party a weak reed to rely on. Meeting frustration in the fissiparous tendencies of the American party system as it projects itself into both the executive and legislative processes, they are tempted to explore the possibilities of more effective party management as a device for securing unity of purpose to make long-term program-planning possible.

The renewed interest in the party as a possible integrating force in developing public policy has its explanation in a number of developments. The economic program of the national government plays a much more significant rôle in the total economy than it did a generation ago. In an era of thirty-five or forty billion dollar budgets, a cohesive and well-knit fiscal policy becomes essential; it cannot be sustained on a basis of day-to-day improvisation. The wide array of governmental programs, domestic and international, poses the problem of ordering their interrelationships to avoid unnecessary conflict and to make certain that they contribute toward a common set of objectives. In many quarters there is increasing acceptance of the position that government has an obligation so to shape its policies as to help keep the economy in balance on a level of high production and full employment.

These developments carry with them certain imperatives in the way of institutional adjustments. At the administrative level, they have led to a search for more effective devices to coördinate agency programs and to give organizational expression to a supra-departmental view of public policy. The growth of the Bureau of the Budget, the recent emergence of the Council of Economic Advisers as an agency of over-all economic analysis and policy, and the efforts from time to time to strengthen the

White House staff represent a response to this felt need. At the congressional level, the recent Legislative Reorganization Act may be viewed as a step in the direction of meeting the same basic urgencies. So far, the major parties themselves have lagged behind. They have been unable to make institutional adjustments in the form of stronger central organization which would consolidate party control in the government. The disciplined political power necessary to integrate public policy on a party basis has been lacking.

II

There are good reasons why this should be so. The major parties have a heterogeneous membership and an amorphous character. Within each party, almost every variety of shade of opinion is represented. While wealth may be more strongly entrenched in the Republican party and poverty in the Democratic, economic status is far from being an exclusive determinant of party membership. Historical accident, inheritance, geographical location, the personal appeal of candidates, and a wide variety of other factors continue to condition the loyalties of the party faithful and the wavering allegiances of the not so faithful. Cautious party leaders faced with the challenge of achieving an electoral majority seek to keep their disparate elements together by blurring issues rather than by emphasizing them.

This strategy necessarily makes each party an instrument for the reconciliation of group and sectional conflicts. It thrusts into the forefront the elements which the parties have in common, rather than the differences which divide them. Given the lack of homogeneity in the membership of the major parties, it is hard to see how party program-makers can do more than strike a working balance among the interests and views represented among their actual and potential supporters.

The looseness of organization also complicates the task of elaborating a coherent pattern of party policy. The weakness of central organization reflects the way in which power is structured within the party. State and local party organizations usually have their independent power bases. They resist the discipline of the center because subordination robs them of the autonomy which they so jealously cherish. The centrifugal motif maximizes the power of the part; it does not contribute to the strength of the whole. While the parties remain loose associations of quasi-independent principalities, it is unlikely that the policy outlook of the center will triumph over the pull of the periphery.

Governmental structure also serves to reinforce the centrifugal power. Federalism insures dispersal of authority within the party organizations and decentralized sustenance. Members of the House of Representatives

are rooted in the localism of district, senators in the localism of state. As such, they are necessarily sensitive to the pressure tactics of lobbyists with strategic political leverage in their constituencies. Within Congress, power is scattered and party discipline uncertain. Except in presidential years, the time-table of elections favors the local issue over the national. The presidency provides a focal point from which to generate national policy, but the power of the office depends upon the dynamism and skill of the occupant in mobilizing widespread public support for his views.

These are observations both familiar and valid. To the extent that they are accepted and widely acted upon, they carry certain consequences for the formulation of the federal government's economic program. Given the situation where the presidency and Congress are controlled by the same party and the President has assumed the initiative in policy-making, the program he presents, if it is to stand a chance, must ordinarily be shaped to appeal to the various interests and views represented within his party in Congress. To be sustained, it must be based on the pivots of strength in the party. If the majority party be the Democratic, the program must have something to offer to Southern conservatives as well as to Northern urban or industrial constituencies. If the dominant party be the Republican, the program must ingratiate itself with Midwestern agrarianism as well as attract the support of representatives of business and urban middle-class groups.

Given the case where the presidency and Congress are controlled by different parties, the situation becomes even more complicated. If the President is to win legislative support for his program, he must solve the problem of mobilizing a working majority for his proposals by reaching beyond his own party. Compromise becomes the order of the day. If the price of compromise be too high and the danger of deadlock not too great, another alternative lies open to the President. He may mold his program with a view not to enactment but to winning the next election. The appeal will be directed not to Congress but to the electorate.

If the majority party in Congress seeks to assume program leadership under these conditions, it too faces great difficulties. The axiom that party unity in American politics is possible only for the party in opposition begins to assert its force. The first problem is to find terms of accommodation within the congressional majority itself. Beyond looms the ever-present threat of the presidential veto. Assuming that the majority party lacks the votes to override a veto, two broad alternatives arise. The first is to moderate its program in such fashion as not to risk a veto or to refashion the program to win sufficient minority support for overriding a veto. The second is deliberately to frame legislative proposals with the next election in mind. The risks of deadlock must be weighed against the hopes for victory.

III

Discussion up to this point may appear to have ignored factors of dynamic change in the American party system. It may well be true that an analysis which stresses party heterogeneity and localism looks to the past rather than the future. Are there not forces at work which, with skillful direction, can contribute greatly toward transforming the parties into more homogeneous and centrally disciplined organizations? Local machines are no longer as firmly based in state and municipal patronage as they once were. Both the spread of civil service requirements for office-holding and expansion of government's social service functions have some tendency to undermine the power of local political organizations.

As immigrant groups are assimilated into the community, their resistance to machine manipulation increases. With some striking exceptions, the process of building and sustaining local machines on the basis of spoils and favors becomes an increasingly hazardous and complex undertaking. Urbanization and industrialization drive in the direction of a larger and more compactly organized labor movement, with potentialities for ward and precinct organization that have not yet been fully exploited. Increasing political awareness on the part of labor leaders leads to demands on the major parties for policy commitments as the price of support. Choices become more sharply defined, and issues more difficult to blur. Each party finds somewhat different terms of accommodation in response to the stresses and strains of this new challenge.

Other factors introduce additional uncertainties. Popular participation in politics is still relatively low. So far as the evidence goes, it is less at the lower end of the income scale than in the upper ranges. A huge reserve of non-voters awaits mobilization and effective organization. As Professor E. E. Schattschneider recently put it, "the raw materials of political power lie all about us, untouched and unused."¹ The full range of political leadership still remains to be explored. Recent improvements in communication techniques, with the vast audiences which they command, may substantially foster the development of such leadership and strengthen the nationalizing influences within both parties. As political tools, radio and television are still in an embryonic stage. The magic of the Franklin D. Roosevelt "radio personality" afforded a glimpse of the ways of party regeneration which skillful use of these tools may make feasible. Though the danger of a new type of subtle demagoguery may be real, the possibilities of a shift in power from local to central party leadership, aided by the revolution in communication, are not to be discounted.

These tendencies may suggest that there is more fluidity and mallea-

¹ E. E. Schattschneider, "Party Government and Employment Policy," in this *Review*, Vol. 39 (1945), p. 1155.

bility in the American party system than is commonly assumed. But the dynamics of party change in the United States elude easy categorization. Thus far the major parties have shown a remarkable capacity to digest innovations without substantially changing their internal power structures. The shift in initiative from local to central party leadership has yet to be achieved.

IV

A variety of proposals have been made to strengthen the national instrumentalities of the major parties with a view to making their contribution to the formulation of public policy more effective. Some of these proposals involve no real challenge to the present constellation of power within the parties. Others imply a profound reordering of relationships, and consequently can be expected to encounter more serious resistance.

Within the first group is the proposal to establish permanent party research organizations. Such research staffs, it is urged, would gather the data for the formation of party policy, prepare recommendations, service the needs of the party leadership in formulating statements of party policy, and undertake the necessary political analyses on the basis of which the party leadership could devise its strategy for attracting votes. In contrast with British experience,² reliance of the American party on research organizations has been extremely limited. The politician's intuition and practical experience have appealed as better calculated to guarantee success than the research man's grubbing. In periods of bewilderment induced by defeat, the politician tends to be more receptive. The action of the Republican National Committee in establishing a research and editorial division in 1936 was perhaps not unrelated to such motivation.

The future of party research organizations would appear to depend on whether they show promise of contributing to successful vote-getting. Politicians, for the most part, have still to be persuaded that research is a weapon in the armory of political power. Experience will have to demonstrate to them that they will "not remain sure-footed in an increasingly technical world unless they make increasing use of the sound advice and information on technical problems which can be furnished only by persons who make it their main business to keep abreast of technical matters as they impinge on contemporary politics."³

Another proposal designed to clarify national party policy without unduly disturbing existing intraparty relationships is the suggestion of a

² See Joseph R. Starr, "Research Activities of British Political Parties," *Public Opinion Quarterly*, Vol. 1 (Oct., 1937), pp. 103 ff.

³ C. A. H. Thomson, "Research and the Republican Party," *ibid.*, Vol. 3 (Apr. 1939), p. 313.

biennial or annual party conference.⁴ Former President Hoover in 1937 lent the weight of his endorsement to the proposal that the Republican party hold a regular mid-term convention with the sole function of working out its position for the biennial congressional elections. The suggestion was coolly received by the Republican congressional delegation, whose members saw elements of danger in appearing to be committed to a national program which might embarrass them in their constituencies, particularly if it was one in whose making they had little direct part.

The compromise worked out by the Republican National Committee involved creation of a program committee of several hundred party leaders under the chairmanship of Glenn Frank to report its findings to the National Committee. The managing editor of the *Young Republican* described the early work of the committee as follows: "Sharp differences of opinion inevitably came to light. Considerations of party strategy kept intruding upon the broader problems of what was good or bad, right or wrong, for the country as a whole. And the key subcommittees on fundamentals got knotted up on the nature of fundamentals and whether in writing they could be distinguished from platitudes. A great deal of work had been done and not much of consequence accomplished."⁵

The final report of the Program Committee was published early in 1940 as *A Program for a Dynamic America*. It did not notably transcend the banalities of the usual quadrennial party platform. Prior to the 1944 convention, a somewhat different method was used to prepare a party program. The Republican Postwar Advisory Council, composed of senators, governors, and other party chieftains, met at Mackinac Island in September, 1943, to frame a statement of principles, notable chiefly for the trend it registered away from isolationism. In late 1945, representatives of the Republican congressional group issued another statement of principles, but like previous efforts its declaration tended to break down into a series of noncommittal generalities.

In theory, there is much to be said for the annual or biennial party conference. It offers an opportunity for the party to keep its program abreast of events; to educate, inform, and lead the electorate; and to introduce a measure of discipline in the behavior of the congressional delegation by publicizing the party position on the issues which await the attention of Congress. Yet without substantial changes in the internal power structures of the parties, it is doubtful whether these opportunities will be

⁴ This proposal and others here discussed have been reformulated for fresh consideration by the Committee on Political Parties of the American Political Science Association, established early in 1947. The committee is under the chairmanship of Professor E. E. Schattschneider, of Wesleyan University.

⁵ Ronald Bridges, "The Republican Program Committee," *Public Opinion Quarterly*, Vol. 3 (Apr., 1939), p. 302.

fully utilized. Congressmen, in their battles for nomination and election in their districts, prefer to remain free, rather than be fettered by party declarations. The same forces which dictate pious platitudes in quadrennial party platforms are likely to produce a similar product in annual or biennial party conferences.

Realization that this is likely without a fundamental readjustment of relationships within the party has lent support to more drastic proposals. These aim to make each party a more disciplined and effective determinant in the formation of national policy. The proposals vary in character; the common premise uniting them is that party responsibility can be fostered by building up the central leadership of the party. It is proposed, for instance, that each party select an officially recognized chairman or spokesman, the President presumably to serve in this capacity for his party, while the defeated presidential candidate would continue as leader of the opposition party unless replaced at an annual party conference following the quadrennial convention.

It has been further suggested that each party create a National Policy Council, headed by the party's chairman, this group to be the policy-making arm between conferences or conventions. It has also been urged that the selection of congressional party leaders be subject to approval by the national leaders of each party; that the congressional party leadership thus chosen be given the responsibility and power to pick the members of congressional committees; and that congressional candidates be expected to commit themselves to the policy declarations issued by party conventions or conferences.

While many matters of detail can be raised in connection with each of these proposals, the basic issues which they pose can be put in a series of questions. Is stronger central party leadership the most effective way of promoting party responsibility? Can central party leadership be markedly strengthened without unduly curtailing or limiting the independence of the congressional party delegation or its members and the rôle of local political organizations? Do the means exist to achieve such a regrouping of power within the parties?

V

Party responsibility has two related aspects. It involves a positive obligation to act; it also carries the implication of accountability. The two notions are fused when action is taken in accordance with the desires of the party membership. A central party leadership so strong as to be beyond the control of the party's rank and file can no longer be deemed responsible, even though its legislative record may be regarded by some as admirable. Party responsibility implies a leadership which operates within the framework of intraparty democracy. Efforts to strengthen central party leadership are not necessarily inconsistent with party

democracy. They become inconsistent only when they offend the sense of democratic accountability and control.

These remarks are designed to suggest that a stronger party leadership emerging from and accountable to democratically constituted organs, as the foregoing proposals envisage, may be regarded as responsible leadership. Those who advocate invigoration of central party leadership operate on the assumption that it will also contribute substantially to clarification of party policy and serve as a unifying factor in the evolution of truly national parties.

Whether or not such a result follows would seem to depend on the nature of the configuration of forces within the parties. Given the trend toward decentralization of power, it is hard in the first instance to see how strong central party leadership can emerge. Will local party leaders voluntarily abdicate the independence and power of veto over national party action which they have exercised over many years? Will the party representatives in Congress freely subordinate themselves to such leadership which they in fact control it? Cogent arguments can be made that the party as a whole would benefit from stronger leadership over the long run, but in the short run what is involved is a disturbance of the internal power relationships. Those asked to part with power do not ordinarily do so willingly.

Do the means exist to consolidate central party control? The most recent experience which throws some light on this question was the presidential purge of 1938.⁶ Behind it was a conception of party responsibility which made the leadership as embodied in President Roosevelt the arbiter of party orthodoxy. As the President put it in his speech on the renomination of Senator George of Georgia: "To carry out my responsibility as President, it is clear that there should be coöperation between the members of my own party and myself. That is one of the essential features of the party form of government. . . . The test is not measured, in the case of any individual, by his every vote on every bill. The test lies rather in the following questions: First, has the record of the candidate shown, while discussing perhaps in details, a constant active fighting attitude in favor of the broad objectives of the party and of the government as they are constituted today, and secondly, does the candidate really, in his heart of hearts, believe in the objectives?"

Applying this test, the President proceeded to intervene in a series of senatorial contests in the South and the border states. Hill of Alaska, Pepper of Florida, Thomas of Oklahoma, and Barkley of Kentucky, all of whom the President endorsed, were renominated. But the influence of the President was not strong enough to defeat George of Georgia, "Cotton Ed" Smith of South Carolina, or Tydings of Maryland. There is ev-

⁶ See J. B. Shannon, "Presidential Politics in the South: 1938," *Journal of American Politics*, Vol. 1 (1939), pp. 146 ff., pp. 258 ff.

to indicate that the purge was decided on belatedly and without particular attention to organization details; that the top leadership of the Democratic party was divided in its counsels; and that the manner of executing the purge did not reflect the President's customary political adroitness. But after allowing for all of these factors, the conclusions of Professor Shannon still seem sound. "It is clear," he points out, "that in the South all incumbent senators were renominated and reelected except Senator Berry of Tennessee, who had held office but a short time and was opposed by powerful local and federal organizations. It is evident, therefore, that a potent if not decisive factor in the primaries was the control of the local party organizations. A sitting senator, especially if he has held office for a long number of years, is well-nigh invincible, and not even a person as powerful and popular as Franklin Roosevelt can unseat him."⁷

The experience of the purge serves to underline the authority of local and state organizations in the American party system. Yet it is probably true that for the party in command of the presidency such national power as exists to determine the party's composition finds its strategic leverage in the presidential office. A strong President has political resources which should not be minimized. Patronage, though limited by the Hatch Act, and alliances with sympathetic local groups may be used to build up a federal organization that would be able to challenge the dominance of local and state organizations hostile or opposed to the President's policies. The President can do much to give shape to his program; to direct the issues of national policy into the local constituencies; to mobilize the support of local party organizations; and to stimulate the participation of dormant groups in party affairs. All these opportunities may contribute substantially to the nationalization of party life.

It is more difficult to see how central party leadership in the opposition party can be institutionalized between quadrennial conventions. The defeated presidential candidate, by the very fact of his defeat, finds his position as party leader undermined. The struggle which sets in among rival aspirants for the next presidential nomination is disintegrating in its effects. No candidates for nomination and none of the forces which support them are likely to tolerate a stronger central party machinery, unless they feel reasonably confident that they will be able to control it. The usual dispersion of power among competing candidates is an effective obstacle in the way of any gravitation of power to the center.

The emergence of a leader or group of leaders in the opposition party so generally recognized that their leadership is not challenged could lay the groundwork for a strengthened central party organization. On the basis of historical experience, however, the prospects for crystallization of a High Command of this type in the opposition party do not appear to be

⁷ *Ibid.*, p. 295.

too propitious. The rise of such leadership would seem to be, in some degree at least, a function of the strength of leadership in the party controlling the presidency. A demonstration of the electoral effectiveness of strong leadership in one party may provide the necessary atmosphere of crisis for the emergence of powerful leadership in the other. But the event still awaits verification.⁸

The obstacles which prevent the parties from becoming more effective in the formation of national policy are formidable. But the unutilized potential in the American party system is substantial. Daring party leadership may arouse and organize hitherto inarticulate aspirations, and party organizations may find themselves being reshaped in the process.

Change, when it comes, will not come without volition and vigorous effort. While the focal points of power within the parties remain as they are, economic programs will continue to reflect this situation. No purely organizational approach can magically dissolve the resistances to centralization of party power. The problem of consolidating control cannot be solved at the center alone. It reaches out into the states and localities where party power is distributed and dispersed. The future of the major parties as responsible formulators of national policy will depend on the emergence of leadership capable of dramatizing the need, building up support, and achieving a reordering of internal power relationships to sustain the course of policy. The assignment does not promise to be easy.

VI. POPULAR SUPPORT OF ECONOMIC PROGRAMS

NORTON E. LONG

Western Reserve University

I

The most general factor determining the political feasibility of economic programs is their adaptability to socially approved and sustained ideas that pervade our culture. This stock of ideas constitutes a folklore of accepted common-sense rules of thumb and coheres about a pattern of values which the rules support and exemplify. Culturally transmitted,

⁸ Beyond the proposals here considered for strengthening and institutionalizing central party leadership, there remain many other suggestions made for improving party responsibility. These include various proposals for changes in election laws, including elimination of the poll tax, provision for permanent registration, scheduling elections on legal holidays, eradication of gerrymandering, and so on. They also include proposals for constitutional amendments which would introduce a modified version of the cabinet system of government, or which would provide a uniform congressional four-year term in both houses so that the President and Congress would be elected as part of the same national decision. This paper is confined to the organization of the parties themselves.

the body of ideas more or less unconsciously conditions the behavior of every class of society. They constitute habits with a projective force, constantly seeking realization in conduct. Both the limits of popular knowledge and the relation of popularly accepted values to permissible practice are basic conditions defining the politically feasible.

The political common sense of America is the utilitarian individualism of Locke tempered by the misgivings and peripheral modifications of John Stuart Mill, with a liberal dash of social Darwinism. In economic matters, the many-sided imagination of Adam Smith has been compressed into the catechism of "economics in one lesson." However much eroded by criticism in the realm of theory, the dogmas of individual rights, natural law, and natural harmony have become part of our spiritual environment. To think in their terms is to be at ease with a familiar and ordered universe; to think in others is to struggle with ingrained habits.

Natural rights, individualism, and the teachings of classical economics are profoundly hostile to attempts to render the economy politically responsible. New problems for whose solution our going ideology is ill adapted must be dealt with piecemeal, by way of exception. Like the Ptolemaic theory, the doctrine of limited government has had its epicycles accommodating the more stubborn facts of urban industrial society. But the pull of mental habit is toward the orderly universe of accepted doctrine which still integrates the culture and, to no small extent, the individual.

The culture into which we are born sees the economy as made up of independent egos, kinetically reacting against one another to produce social good in accordance with an immutable natural law. The place of government is to provide a known and impartial judge, and to unite the force of the community behind the preëxisting laws of nature. The natural but undesirable phenomenon of monopoly does call for public action. But all else is best left to the politically uncoordinated efforts of persons natural and artificial. Even when this position in all its crudeness is rejected formally, it continues to dominate behavior as an integrating core until replaced by a new synthesis capable of doing the same psychological work.

The task of government in the economic field is thus clear: to chastise the evil-doer and curb monopoly. Failures of the economic order are the result of individual or collective deviation from the natural moral laws of economics. It is the business of the statesman to point out culprits and faults, and to vindicate the moral code. Assessing the causes of the depression, the economist Sprague and the politician Al Smith united in attributing it to sin. Whether Franklin D. Roosevelt believed likewise or not, he understood that government programs gain support to the extent that they clothe themselves in the garments of a morality play.

Monopoly, the sole imperfection resulting from the natural harmony of free competition, has been assimilated to sin. While orthodox economic doctrine provided a logical rationale for redress, an ethical inquisition into motive and intent has usually been substituted for the less congenial consequences of adherence to theoretical logic. Deviations in detail from the canons of orthodoxy are permitted, as in other codes of morality, but only as deviations not bearing on the validity of the doctrine as a whole. Thus the tariff, or subsidies, became supportable as minor concessions to the weakness of the flesh.

Along traditionally marked lines, government activity can be sure of support in the popular ideology. Outside of them, the handicaps are great. Anyone seeking popular support for an economic program must carefully weigh the great psychological assets of sailing under the familiar colors. Hence the morality play and the obeisance to economic stereotypes. It may be argued that to play this game is to fail in the task of education on which permanent ideological support depends. In the short run, however, with unstable congressional majorities and biennial elections, most government programs must win the necessary support right away. Successful communication of the program depends on its translation into familiar ideas and patterns.

The very nature of news requires the presentation of a program as a story rather than as a statistical argument, a story that radio, magazine, and press must be able to retail in accord with the limitations of their publics and their institutional biases. What can be undertaken is largely determined by the tastes and habits of the customers, and by the availability of adequate media of communication. Over time, these limitations may prove elastic; in the short run, they are not. No amount of mere advertising will make up for inability to communicate a complicated economic program to a public whose intelligent coöperation is necessary for its success. As Plato so well understood, the "royal lie" requires a strict control over opinion for its enduring acceptance. Uninformed acquiescence on the part of the public is rarely sufficient. When it is, the personal popularity of a leader or the authority of an office may bridge the gap between older assumptions and those necessary to a conscious pursuit of novel goals.

II

The doctrine of the limited state and the axioms of *laissez faire* have suffered setbacks in detail. Sectors of the free economy have become public. But the contraction of the area of the free market is regarded with sorrow. The rule is freedom, the exception an imperfection. As a consequence, we may have a monetary policy, a railway policy, a tariff policy, a labor policy, an agricultural policy; but conscious coördination of these

policies by government puts heavy strain on the doctrine of the free market. It might destroy the ideological shield protecting the economic order from the implications of universal suffrage. An economic program of general coördination suggests the immediate political responsibility of the economy.

The accepted view is that of a politically responsible state and an economy inherently responsible by its obedience to natural beneficent laws. Formulation of general economic programs by government tends to force the issue of social democracy to the surface. We are ill prepared to face the problems thus presented.

Were they the problems of a science only remotely impinging on accepted values, a framework of dispassionate inquiry with agreed standards of verification might be maintained. But they cut more deeply. The argument, honestly followed, leads at least to a careful consideration of the implications of central economic planning for constitutionalism.

Beyond the question of constitutionalism, and fundamental to it, is the problem of the individual. The view of society as made up of largely autonomous individuals possessed of self-derived value and personal ends came to general acceptance with the utilitarians. It has profoundly influenced the pattern in which the average man envisions his rôle in life. No restatement of liberal values in accord with present scientific knowledge and current social problems has equally captured public imagination. What is Keynesian man? What are his values? Little wonder, when issues so basic confront him, that the individual hugs his individuality and wraps his tattered ideology round him, preferring the familiar and its hopes.

The doubts and fears engendered by the pressure of change on our private worlds are further aggravated by the conflict between the United States and Soviet Russia. Free market and free men versus collectivism and the police state, political democracy versus social democracy—some such slogans furnish the headline version of the conflict. Under these conditions, antipathy toward the foreign policy of the Soviets by the public in general, and disillusionment of liberal elements in particular, have had serious if illogical repercussions on general economic planning.

The Soviets are the classic land of the Five-Year Plans, the classic land today of the police state, and the dangerous rival of the United States—to say nothing of being godless and anti-individualistic. The association of planning with these ills comes naturally. Great Britain's Labor Government, struggling with an obsolete, bombed-out plant, may achieve the miracle of greater production than in the peace year 1938. The public sees not the production figures, but the dreariness of austerity. In the United States, full employment, high standard of living, abundance unknown anywhere despite the pinch of rising living costs—these are the

apparent fruits of what we call the enterprise system. The great depression is a real and haunting memory, but the material basis supporting the going ideology is ample for the present. What is the Soviet record compared with ours? International rivalry lends fresh strength to doctrinal orthodoxy.

For a brief period after the last war, the sense of power, of vast previously unused national capacity, and of enhanced personal significance through participation in a larger objective seemed to promise a continuance of coördinated pursuit of social objectives. The sense of community and fellowship so desperately needed in urban industrial society turned to a momentary hope that other labors than war might unite the nation. But fatigue, the pull of habit, and the lack of any institutionalized peacetime aims brought about a rapid disintegration of morale and organization.

Wartime experience with the productive powers of a coöperative society remains, however, a permanent part of the nation's consciousness. Our experience with deficit spending in the depression has made it impossible for either major party to let unemployment mount, while clinging to economic orthodoxy for salvation. In the same way, World War II has made the nation conscious of its powers to a degree that will permit little patience with substandard performance. The experience, though unasimilated and exceptional in terms of use and wont, is one that waits on circumstances to be recalled, and constantly serves as a new standard of criticism.

III

Government programs, like plays, depend on the public for support. To be supported, they must be understood. To be understood, they must be communicated in an accepted vocabulary and in terms of a recognized system of values. They must accord with expectations and do as little violence as possible to common sense. What are the economic hypotheses the public accepts? What are the economic precepts that the voting population has been taught to take for granted by grammar school, high school, college, newspaper, magazine, and radio?

Economic programs formulated in terms of some broad concept of the public interest must be articulated with the more or less permanent group structure of our society. In time of war, under the vigorous pressure of an outgroup, a vague but none the less powerful national consolidation develops. The political energies thus generated can be utilized by the chief executive through popular leadership to enforce priorities and allocations on the recalcitrant. It is significant that national support for political action in terms of an all-embracing and paramount criterion—war need—is slow in making its appearance, drops rapidly in intensity with

favorable turns of events, and dissolves almost entirely with the disappearance of the outgroup menace. Our only successful basis for the coordination of national energies to accomplish a common objective has been war. The "hundred days" apart, the depression provided no similar unity of purpose.

If our war experience demonstrated that over-all planning in our economy is feasible, the difficulty of conversion, the costly delays and the bickering, and the rout of orderly reconversion showed that the political basis for effective governmental action is highly precarious. What is the peacetime basis for inclusive programs conceived in the general interest, or for the coordination of programs to insure their harmony with the functioning of the economy as a whole? The broadest group whose interest is identifiable with a partially satisfactory concept of national purpose is the ultimate consumer. Under pressure from rising living costs, popular leadership can build significant political support temporarily from broad masses organized only by common impact on their pocket-books and common need for remedy.

Such groups are inherently unstable. Possessing no formal organization, having in common a purpose that ebbs and flows with the felt impact of the cost of living, and mostly also part of other groups frequently at cross purposes with broader objectives, the body of consumers provides the political support for transitory if recurrent crusades. It cannot furnish the day-in-day-out support that continuous government action requires. Without this support, the contending, less general but well organized, interests shoulder aside any attempt at their coordination. There is a common American saying that you can't beat somebody with nobody. All too often, the interest that theory indicates to be everybody's has nobody for a champion.

Rational coordination of government programs could be accomplished in the interest of a self-conscious and politically dominant group. But no politically dominant group exists with a conception of its interests rationalized into a program of national scope. Accordingly, economic programs must be multi-group programs. The logrolling hurly-burly of self-defeating compromises inevitably takes its toll. Accommodation is not the result of rational adjustment of differences to accomplish a common objective. Rather, the legislature becomes the analogue of the free market, registering the pressures from the various interests. The momentary accidents of effective power are determinative. Rational consideration and responsibility are institutionally incapable of attainment.

Bits and pieces of programs under the aegis of powerful support, such as agriculture, can operate for a time in a world partially their own. Dominant interests in these fields provide the basis for rationally coordinated action. Such limited freedom for implementation of some official concep-

tion of the public interest prevails in the regulatory boards and commissions, to the degree that tension among the parties at interest permits.

All too often, board or commission policy differs from that obtaining in the legislature only to the extent of simplifying the pressures entering into decisions. Sometimes simplification proceeds to the point of a board's identification with a particular interest group. In these cases, government becomes little more than the protective censor of the industry. A vested interest of pressure groups in departments, bureaus, and legislative committees creates an almost feudal alignment. Institutions giving structure to organizable public support are weak. The strong elements in the government are those with the enduring day-by-day backing of powerful and alert special interests.

The public at the Washington level is represented and organized in such a way as to exaggerate and exacerbate differences. The private bureaucracies through which the organized publics operate are largely irresponsible for the general effects of the policies they pursue. They have an institutionalized interest in sounding the tocsin of alarm and playing on the fears and prejudices of their membership.

The membership in large part depends for its information and its views on a leadership engrossed in maintaining itself as a going concern. Individuals in the group fear to deviate from the line handed down lest they risk the penalties of nonconformism. Occasionally a government representative may appeal over the heads of the organization to the rank and file and secure a temporary policy reversal. But the event is rare and transient. Normally, the Sanhedrin of the lobby has great independence.

Rational coordination of governmental programs calls for development of organizations sufficiently inclusive to necessitate pursuit by the group leadership of general objectives and their articulation into a general program. The part played by the Congress of Industrial Organizations in public discussion of wage policy, productivity, and full employment has forced on it a greater breadth and higher level than previously was possible. Opposition is compelled to make explicit its position. In the process, the debate that filters to the public poses issues in terms of policy alternatives far more meaningful than could arise from the welter of pressure groups and the indeterminate doctrinal differences of Democrats and Republicans. Responsibility in program formulation is in part a function of the breadth of interests and the range of time that a leadership is compelled or can afford to consider.

The larger multi-interest organizations which may be expected to evolve programs for the economy as a whole are still weak and too narrowly based. The Committee for Economic Development, though promising in scope and comparative seriousness of intent, is scarcely more than a vehicle for a minority of business statesmen. The mass base of C. I. O.

unionism enforces some consideration of real as opposed to money wages. That base is still too narrow to restrain the temptation simply to negotiate with business. However, the beginnings exist of organizations whose interests will permit and compel the formation of broad policy. For some time, though, labor leaders are likely to find it expedient to meet Mr. John L. Lewis' competition with strenuous attention to pay envelopes.

The organizations which day in and day out canalize pressure on government neither urge nor lend aid to over-all programming. This is not to say that individual members may not make speeches or write philosophical pieces for the prints. Even the leaders on occasion make a bow to the grandeur of generality. To be called in the press a labor statesman or a socially-minded captain of industry has its human appeal and its public relations value.

These are accomplishments that mark one as broad-visioned—in political argot, a man who can drag in votes from all the wards. The conscious adepts of Keynesian economics or of its many vulgarizations are, amiability and politics apart, under an intellectual compulsion to see the economy as an economy. This alteration in the pictures in their heads at least provokes changes in rhetoric and symbols. As Mr. Irving Babbitt, the humanist, was wont to remark, "All great revolutions are preceded by a revolution in the dictionary."

IV

The uncoördinated pressures of social groups working on a Congress that is loosely organized by party label but largely undisciplined, torn by the centrifugal pull of local and narrow interests, and suspiciously rebellious toward presidential direction—this combination has created a wide open field for policy promotion. The political market for policies, though perhaps no freer than the economic market and with fewer opportunities for small business, is miles away from a planned economy. The positive and negative organization of Congress by the lobby is more clearly in evidence than the articulated program, if any, of party or President.

With a political leadership only partly able to control the legislative time-table, and with an administrative organization in the main attending to special needs and special groups, this is scarcely surprising. What is surprising is that it should be thought possible thus to do a reasonably good job of keeping in balance a delicate and complex economy. Of course, the diversity of programs has much to do with the loosely feudal character of the executive branch. Despite the requirement that administrative agencies must clear their legislative proposals with the Bureau of the Budget for compatibility with "the program of the President," a good deal of *laissez faire* prevails in practice.

The formula, "the program of the President," is viewed in some administrative circles as no more than a convenient fiction to clothe the Budget Bureau's own sense of propriety and expediency. If such a document exists—and many would like to see it—it apparently provides the same latitude to the justices of the "green sheets" as the general phrases in the constitution. It is a latitude, however, most strictly limited by the political potency of the offender, contracting into acquiescence where discretion urges the abandonment of sanctions.

Congressmen are in search of ideas, and perhaps ideas are in search of congressmen. Bureau chiefs and underlings, responding to the technical demands of their jobs and the promptings that shape their point of view, are willy-nilly purveyors of thought to legislature and lobby. The need for appropriations at least calls for the maintenance of good morale among one's supporters, and a friendly congressional committee is no handicap to peace of mind. Bureaus, like business, must advertise to keep their share of the market, unless they are secure in their appropriations. The advertising may be selective, or it may be as broad as that of the Federal Bureau of Investigation. To attach one's name or one's outfit to a favorably received program is to be in the news. The need of the congressman, the interest of the rising administrative politico, and the budgetary position of the agency coincide. The permanent official, while relishing the enhanced prestige and emoluments of a more extended sphere of operations, at the same time has a wholesome fear of the fate of Phaëton. This fear is not shared by the congressman, nor by the political bird of passage for whom the program, regardless of its fate, is a public appearance and a step in a career.

Competition is the law of life in government as much as in economics. All government programs are in varying degrees competing for allocation from a limited budget. Their share in this budget is determined by group and public support—support that cannot be assured by merely doing a good job except in the most clearly necessary functions. A new program, like a new product, must make its way often at the expense of others. As in business, it is a prerequisite to everything else that there be a market. Without it, production cannot start, or if started be maintained. As in business, the quality of the product does not offset inadequacy of sales promotion. There is an uneasy marriage between the politically marketable and the economically workable, with the latter all too often taking the back seat.

Under these circumstances, public administration, like other enterprises, is in large part concerned with gaining, maintaining, or increasing the market for its particular product. Of necessity, the political head of a program is salesman-in-chief, not only of the program but also of himself. Government programs gain their appeal in large part by personalization.

The public feels it can understand people better than theories. From the very first, there has to be carried on, from the front office all down the line into the field, a vital job of persuasion. A program is under fire before it is launched, after it is launched, and until it is so entrenched that those who would cut its appropriation do not dare. Moreover, the public and the opposition will not wait six months, to say nothing of six years, to judge the merits of the program.

The development of a program, by its very nature, involves the popularization of its chief. Political careers transcend agencies and programs. Loyalties are divided between leaders, programs, and agencies. The search by lieutenants for a chief and by a chief for a felt popular need and a program to sponsor is the necessary active element in the process of representation so well described by Robert Michels.

Viewed against the pure theory of program formulation, its uninstitutionalized, irresponsible, and anarchical practice may seem deplorable. Yet it accomplishes real work. The testing of public and congressional opinions gives the government a means of feeling out the market, determining what issues can be raised advantageously and what should be dropped. The absence of collective responsibility permits an easy circulation of personnel and the abandonment of untenable positions. Careerists are expendable; easy repudiation prevents embarrassment. Tears are at a minimum since the actors appear in new rôles. If political pay dirt is struck, it redounds to the credit of the government. Obviously, this is coördination by natural selection in terms of public and congressional acceptability. In the absence of a firmer political base, the government, if it is to lead at all, must in great part follow.

v

The problem of coördination, although partly institutional, is fundamentally related to the development of broad demand for governmental action. In the past, there has been little such demand except in time of war, and perhaps briefly in the depths of the great depression. The agencies of government and their functioning are the historical products of unplanned growth to meet the piecemeal needs of a prodigally wealthy *laissez faire* economy. The allocation of the national surplus through the public purse is the outcome of a process that translates the pressures of groups and registers their momentary effectiveness with Congress, President, and the public. Political pressures in the field of government have served the same purpose as market demand in the economy. Large groups in both fields have been ineffective, or at least quiescent. The mobilization of these groups for political action could furnish that amplitude of power essential to planning as more than a form of wishful thinking.

Writing half a century ago, Henry Jones Ford said that "at the present

stage of our development American democracy, confronted by the old embarrassments of feudalism, compounded from new ingredients, instinctively resorts to the historic agency for the extrication of public authority from the control of particular interests—the plenitude of executive power. The circumstances are such as are likely to put increasing emphasis upon this tendency.” Fifty years has seen no diminution of this tendency. Confronted with the failure of the party system to develop national responsibility, thus becoming capable of uniting legislature and executive in a broad program, thoughtful observers have turned more and more to the potentialities of the presidency.

Yet a strengthened presidency, while an indispensable center of administrative coordination, is still too uncertain a source of power to operate the over-all governmental integration requisite to a full-employment economy. The resources on which, in the absence of institutionalized party support, a President must depend suffice perhaps for crisis government. They fail to provide the steady support which new and controversial functions require. As Machiavelli remarked, “unarmed prophets perish.” A President attempting to operate a full-employment program without disciplined party support is an unarmed prophet indeed.

If not in itself a sufficient instrument to fulfill the hopes and expectations generated by the Employment Act of 1946, a stronger presidency may serve to orient and activate a largely indifferent electorate. As the appetite for positive government is aroused, party organization may be expected to come to meet the demand. The dynamic development and exploitation of this demand is the current historic rôle of the presidency.

Until the demand is guided into the responsible channels of party organization, all the problems inherent in a presidency dependent on a mass following will threaten to plague us. Party government which will transform the elective executive into an accepted leader with a disciplined following owing real allegiance to a national program is the condition essential to effective coordination of all component elements. The Employment Act, by enlisting the potential political interests of millions, may be a first step in the transformation of our party system. At the very least, it represents a decisive break with older conceptions of the limits of government responsibility by indicating a newly available source of political power.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

The forty-fourth annual meeting of the American Political Science Association will be held next December 28-30 in Chicago, with headquarters at the Palmer House. As appointed by President Henry R. Spencer, the committee on program consists of Professors James K. Pollock (University of Michigan), *chairman*, Eric C. Bellquist (University of California), Herman C. Beyle (Syracuse University), Hugh A. Bone, Jr. (Queens College), Hugh L. Elsbree (Library of Congress), James Hart (University of Virginia), Lloyd M. Short (University of Minnesota), and Benjamin F. Wright (Harvard University).

Dr. Kurt Schuschnigg, former chancellor of Austria, has been appointed professor of government at St. Louis University and will offer courses in international relations and recent political theory.

Stanford University has given Professor Robert H. Connery leave during the spring quarter to serve in the office of the Under Secretary of the Navy.

Dr. Cromwell A. Riches has resigned his position as chief of the United Kingdom Section, Office of International Trade, Department of Commerce, to accept appointment as executive secretary of the Board of Foreign Service Examiners, Department of State.

At the University of Maryland, under the auspices of the department of government and politics, Professor E. E. Schattschneider, of Wesleyan University, delivered in March three public lectures on "The Struggle for Party Government."

Under the auspices of the National Foundation for Education in American Citizenship, Professor Carl J. Friedrich, of Harvard University, delivered a lecture and conducted a seminar at the Illinois Institute of Technology on February 27 on "European Reconstruction and the Future of Democratic World Order."

Professor Harold J. Laski, of the London School of Economics and Political Science, served as visiting professor of political science at Roosevelt College, Chicago, during the month of April. In addition to seminars and other classroom responsibilities, he delivered a series of public lectures on "America, Europe, and World Peace."

Professor William Anderson, on sabbatical leave from the University of Minnesota during the winter quarter, visited a considerable number of

universities in Southern and Western states, observing their departments of political science.

In mid-winter, Professor Philip C. Jessup, of Columbia University, was named deputy to Warren R. Austin, chief United States representative in the United Nations Little Assembly.

Dr. Angelo P. Sereni, of the University of Ferrara, and now lecturing on comparative law at the Law School of New York University, will deliver a series of lectures on international law at the Academy of International Law, The Hague, during the month of July.

Professor Marshall E. Dimock has resigned his position as professor of political science at Northwestern University, effective at the end of the present academic year. He and Mrs. Dimock plan to live on their farm at Bethel, Vermont, where they will continue their research and writing.

Professor William Ebenstein, of Princeton University, has been granted leave of absence for the calendar year 1948 to direct a study of the status of the political science profession in selected countries in Europe. The undertaking is a project of UNESCO. Professor Ebenstein will make his headquarters in Paris.

During the coming summer, Professor Dayton D. McKean, on leave from Dartmouth College during the present term, will teach at the University of Colorado; Professor John Masland, at Columbia University; and Dr. A. M. Wilson, at the State University of Iowa.

Professor R. W. Van Wagenen, of Duke University, will lecture at the Institute of World Affairs of the San Diego State College in the first week of August and teach in the summer session at that institution.

At the request of the Under Secretary of the Army, Vanderbilt University has granted Professor Henry N. Williams a two-term leave of absence to enable him to join the staff of Major General Daniel Noce in completing a history of the Civil Affairs Division to be published as part of the ninety-nine volume, *U. S. Army in World War II*.

Dr. Milton Conover, who taught at New York and Yale Universities several years ago and has since travelled and lived abroad extensively, has of late been teaching again at New York University and serving as legal adjudicator at the Veterans Administration offices in Newark, N. J.

Professors Llewellyn Pfankuchen, of the University of Wisconsin, and Carroll Hawkins, of Michigan State College, will teach at the University of Minnesota during the coming summer session.

Professor Harold S. Quigley, of the University of Minnesota, was the guest of the department of history and political science at Michigan State College on February 11, speaking on the topic, "Democracy in Japan: Progress and Problems."

The National Institute of Arts and Letters recently awarded its Gold Medal "for distinguished achievement" to Dr. Charles A. Beard, and formal presentation will be made at the annual joint ceremonial of the National Institute of Arts and Letters and the American Academy of Arts and Letters in May. Under a scheme of rotation among fields of achievement, the award is made for history and biography once every ten years.

After serving as visiting professor at Stanford University during the autumn, Professor Robert S. Rankin resumed his duties at Duke University at the opening of the second semester.

Mr. John R. Ross, general deputy to Warren R. Austin, chief American delegate to the United Nations, was the featured speaker at Stanford University on February 20 at the opening of a three-day student international relations conference.

At the University of Utah, a separate department of political science has lately been created, with Professor G. Homer Durham, director of the Institute of Government, as chairman.

At Queens College, Dr. John Meng has been promoted to an associate professorship.

Professor W. Leon Godshall, of Lehigh University, will teach at the University of Connecticut during the coming summer.

Professor Elmer Plischke, of DePauw University, was named recently to the publications committee of the Indiana Academy of Social Sciences.

Mr. Jack R. Howard has been appointed instructor at the University of Pennsylvania, replacing Mr. Charles H. Harry, who has been appointed assistant district attorney of Montgomery county, Pa.

Miss Esther M. Seeman, formerly an instructor at the University of Minnesota, has been appointed lecturer in political science at Roosevelt College, Chicago.

A new political science journal, the *Western Political Quarterly*, is published for the recently established Western Political Science Association by the Institute of Government at the University of Utah. The managing editor is Professor F. B. Schick, of the University of Utah, and nineteen other members of the editorial board are widely distributed among col-

leges and universities of the Rocky Mountain and Pacific Coast states. The first issue of the *Quarterly* was scheduled to appear in April.

At Lehigh University, Professors Eugene H. Miller, of Ursinus College, and Walker Kirchner, of the University of Delaware, are serving as visiting professors of international relations. During the coming summer, Professor Aurie N. Dunlap, of Sampson College, will similarly serve as visiting professor.

Professor Charles C. Rohlfing, of the University of Pennsylvania, addressed the annual convention of the Pennsylvania State Association of Township Supervisors on February 12 on the "Ordinance-Making Power of Townships"; and Drs. Norman D. Palmer and Robert Strausz-Hupé have lately delivered a series of addresses in forums sponsored by the Foreign Policy Association.

Mr. J. Murray Edelman, after recently receiving his doctorate at the University of Illinois, has been appointed instructor in that institution and research assistant in its Institute of Labor and Industrial Relations.

Dr. Robert E. Ward has been appointed to an instructorship at the University of Michigan.

Dr. Charles Prince has been appointed adviser on international and Soviet Russian affairs to Standard Oil Company (New Jersey). Previously, Dr. Prince held a similar position with the Chamber of Commerce of the United States.

Dr. Eve Lewis, formerly of the University of Utah, has accepted appointment at the University of Alabama as assistant professor.

Dr. Leon Ellis, lecturer in political science at Duke University, took part in a round table at the Social Science Forum sponsored by the Woman's College, University of North Carolina, on February 14. The other members of a panel discussing the question, "Can Nationalism Survive the Atomic Age?" were Professors William F. Ogburn and Maynard Krueger, both of the University of Chicago.

Under the leadership of former President Herbert Hoover, as chairman, the Committee on Organization of the Executive Branch of the Government has been setting up groups of experts in a variety of areas, and among appointments announced are those of Professor John M. Gaus, of Harvard University, to the group on agricultural activities, and Professor William Anderson, of the University of Minnesota, to the group on federal-state relations.

A European seminar-tour, designed especially for teachers and students of international relations, is being organized by Dr. Alfred G. Fisk, of

San Francisco State College, as a part of the institution's summer session. The group will interview political and cultural leaders and visit government ministries, party headquarters, and such international organizations as UNESCO and the UN in Geneva.

A sponsoring committee composed of thirty-nine persons prominent in business and public life, has been created to advise Princeton University in planning an enlargement of its School of Public and International Affairs as a living memorial to Woodrow Wilson, the University's thirteenth president.

At the National University of Mexico, during the first half of January, Dr. Josef L. Kunz, of the University of Toledo, gave a series of four lectures in Spanish on "The Pure Theory of Law" and conducted two round-tables on actual problems of international law. His lectures and round-table discussions will be published in the *Law Review* of the National Law School of Mexico. Dr. Kunz was also made an honorary member of the Mexican National Bar Association.

At Duke University, a Government Forum was sponsored by the Woman's Student Government Association February 4-6. Speakers included Congressman George Mahon of Texas, a member of the Herter Committee, who spoke on the position of the United States in the international affairs of Europe; Mr. J. Francis Paschal, research director of the North Carolina Commission for the Improvement of the Administration of Justice; Professor Paul Clyde, of the Duke University department of history; and Mr. A. Emil Davies, British financier, member of the London County Council and officer of the Fabian Society.

Dr. John W. Manning, professor of government and public administration at the American University, Washington, D. C., since his release from the Army as a colonel, has been made commissioner of finance for the state of Kentucky. In this capacity, he is responsible for the state budget, for personnel management, for state purchasing, and for state accounts. His headquarters are in the State Office Building, Frankfort, Ky.

Political scientists from Washington, Oregon, Idaho, and British Columbia planned to meet at Reed College, Portland, Oregon, April 17-18, for organization of a Pacific Northwest Political Science Association. In addition to a business session and several scheduled addresses, panel discussions were projected on (1) federal-state relations in the Northwest, (2) the Marshall Plan, (3) the 1948 elections: political strategy and public opinion, (4) current concepts of individual and group rights, and (5) the teaching of political science in the Northwest. Professor Thomas I. Cook, of the University of Washington, was to serve as president *pro tempore*.

Princeton, Cornell, Harvard, and Syracuse Universities are coöperating in the preparation of case reports drawn from actual administrative experience in the federal government, to be used for teaching purposes in the public administration schools of the four universities. A special research staff will be guided by an advisory committee representing the coöperating institutions. The Carnegie Corporation has recently made a grant of \$100,000 to Syracuse University in support of the project. The Corporation has also made a grant of \$65,000 over three years to the University of Puerto Rico toward support of a public administration program providing training for Puerto Ricans who wish to enter governmental service in Puerto Rico. Specialists in public administration from the United States will participate, and in-service training is also being provided for officials of the Puerto Rican government.

During recent months, the Coro Foundation, a public trust established in San Francisco in 1941, has been recruiting a group of twelve veterans of World War II interested in public service as a career. The men selected will receive \$900 scholarships and become "interns" on October 1 for a nine-month course designed to give them a first-hand acquaintance not only with municipal affairs but with the workings of labor, industry and civic organizations. Working in pairs, the interns, during the first two months, will observe the operations of industry. This will be followed by two months with unions, and afterwards by two months with administrative offices of the city and county of San Francisco, including attendance at legislative and committee hearings. Three months will be spent polling public opinion and otherwise trying to ascertain the attitude of citizens toward local government. In addition to sponsoring its program of internship in municipal affairs, the Foundation is conducting a laboratory course in government in conjunction with Bay Area colleges. Seventy-five students of political science, journalism, and similar subjects meet with government officials and labor and industrial leaders in seminars one afternoon a week for ten weeks.

The American University, School of Social Sciences and Public Affairs, in coöperation with the Washington Chapter of the American Political Science Association, announces that its Second Annual Institute for Teachers of Government and Administration will be held in Washington, D. C., June 13-27. The committee appointed to plan and direct the program includes Hugh L. Elsbree, Ernest S. Griffith, Donald C. Stone, and Francis O. Wilcox, of the American Political Science Association, and Pitman B. Potter, Catheryn Seckler-Hudson, Ernst Posner, and Lowell H. Hattery, of the American University. Participants in the Institute will engage in discussions with leaders of the national government concerning vital current issues and developments. Conferences will be held with

members of congressional committees, officials of executive departments and agencies, representatives of major lobby groups, and other persons in the nation's capital who can contribute information that will enable the professor of political science and administration to make his classroom presentation more realistic. Special attention will be given to sources of helpful documentary and fugitive materials which will enrich the teaching of government and administration. Inquiries for further information about the Institute should be addressed to Lowell H. Hattery, director, Institute for Teachers of Government and Administration, American University, 1901 F Street, N.W., Washington, D. C.

BOOK REVIEWS AND NOTICES

Depression Decade: From New Era through New Deal, 1929-1941. By BROADUS MITCHELL. (New York: Rinehart and Company. 1947. Pp. xviii, 462. \$4.00.)

If further proof were required that economics and politics have been joined in holy (or unholy) wedlock, this book should supply it. The work is called an economic history, being in fact the ninth volume in a noteworthy series. But there is scarcely a page in the book that is not primarily concerned with public policy and governmental programs.

Mitchell fully accepts the inevitability of a political economy. His first three chapters, "Descent and Deficit," "Hoover's Depression Policies," and "Evolution of Relief," stress the consequences of the Hoover Administration's resistance to this development. Mitchell does contend that "relative to the period and the party, Hoover was experimental and adaptable," and in a number of his acts forecast the later and bolder expedients of the New Deal, but without ever grasping the magnitude of the problem. Roosevelt, "in his first campaign not so far ahead of Hoover," profited by "instructive observation of Hoover's failure," and, if lacking in plans, possessed what was of greater importance—"a superb purpose." Mitchell suggests that Roosevelt "moved less with the fervor of an innovator than with the assurance of a conservative. He had the Tory tolerance for change."

The author's treatment of the New Deal's economic measures is generally sympathetic. Chapter IV, on the "Banking and Currency Crisis," is one of the most critical, particularly of the "scuttling" of the London Economic Conference—a decision which is presented as "probably the most momentous Franklin D. Roosevelt made," since it meant the adoption of a policy of national recovery rather than the world recovery which Hoover had sought. But the Roosevelt financial and banking reforms are discussed in the next chapter in an almost wholly favorable light.

Chapter VI is a long and balanced discussion of the agricultural adjustment program. Mitchell pays his respects to the policy of killing little pigs by suggesting that if an economy, "for its correction and preservation, demanded such violence to reason, [it] had better be abandoned than revived." The N.R.A. Mitchell regards as typical of the New Deal's "shifting, improvised program," but he suggests that in spite of its failure, "its concept of the feasibility of increased wages, stable prices, and improved profits through full employment remained to animate future efforts." Chapter VIII is an adequate statement of the labor developments during the period.

It is significant that in a book of only eleven chapters, one is devoted to the T.V.A. "Of all the works of the New Deal, that undertaken and

wrought by the T.V.A. may live longest for bold simplicity of conception and honesty of execution. . . . Here patching did not substitute for planning. . . . Here people came before politics." The concluding chapter is deservedly pessimistic over the fact that war alone proved capable of solving the problem of full production and unemployment.

Mitchell is an economist with a heart. He knows that the realities are people, not economic laws. He can boil at "the shame of Anacostia flats." Discussing the F.E.R.A. camps for transient unemployed, he notes with touching insight that each of these derelicts "was apt to carry with him a few trinkets which he prized out of all proportion to their intrinsic worth because they stood for him as a person in a moving mass of misfortune." He rates the building of sanitary privies in the South as "not the least contribution of the New Deal."

Mitchell defines the New Deal as "a reflection of the stage to which economic society had arrived, a recognition—however imperfect—that individual rights could be preserved only as collective responsibilities were discharged." The New Deal had failures, as in its inability to reduce unemployment below the figure of 10,000,000. It had many tangible successes. But its greatest contribution, Mitchell concludes, was its assertion that "we need not be frustrated by inscrutable misfortune, but can be masters of our future."

C. HERMAN PRITCHETT.

University of Chicago.

The National Debt and the New Economics. BY SEYMOUR E. HARRIS.
(New York: McGraw-Hill Book Company. 1947. Pp. xix, 286. \$3.50.)

This volume presents one of the most comprehensive treatments of our national debt problem that has recently appeared. The author's purpose is to integrate the "new" economics and an analysis of the questions raised by our large national debt. At various places throughout the text, and in one instance to the extent of an entire chapter (VI), Professor Harris manifests concern over "sponsored" research and the growth of research organizations established to promote economic policies favoring the groups providing the funds. He deems this situation serious and detrimental to the public welfare, because unorthodox ideas on fiscal policy based on sound logic (and the implication is that those of the author are in this category) have failed to receive the consideration they deserve from those who influence policy and those who make it. In brief, vested interests control the market-place of new ideas on public debt. While the reviewer is inclined to agree that the increase in the number of "kept" economists is not a wholesome situation, he also feels that the author's pique at the intransigence of the business men in their attitude toward public debt does not make his own arguments more convincing.

The range of Professor Harris's study is indicated in the following questions which in his opinion require answers if one is to understand our debt problem: What sized debt can the United States carry and still remain solvent? Can the public debt continue to grow without a serious fall in prices of government securities and, therefore, without a deterioration of the government's credit? What determines public debt potential? Is the public debt a burden? Does the accumulation of public debt bring inflation? Does its repayment bring deflation? Is public debt growth necessary in order to provide the country with required supplies of cash? Can the investment markets function without a large public debt? Does the public debt have to be repaid? On balance, how does the public debt affect the economy? Are there approaches to full employment that do not involve the country in rising debts?

Admitting that our public debt cannot be lightly dismissed, the author asserts that "the public, nevertheless, seems over-alarmed by the public debt." While there are significant adverse effects in a public debt, there are at the same time offsets to the increased burden which should not be overlooked: increase in the national income, growth of savings and of liquid assets, and a more adequate monetary supply. The danger of inflation is not to be minimized, but it can be restricted, perhaps not in wartime, but in peacetime, by taking appropriate steps to neutralize its effects. As to our debt potential, no great fears need be entertained if incomes rise at a rate even substantially less than in the last few generations. Debt repayment is justified only in periods of boom. The monetary effects of repayment should be watched closely, and cheap money rates should be maintained. The important thing is to keep up demand. When demand is deficient, it is the government's task to subsidize it.

It would appear to the reviewer that the happy conjuncture of right factors may ultimately justify the optimistic conclusions on public debt, and the policies to be pursued regarding it, advanced by the author. But there are imponderables, and these are either ignored or passed over too lightly. On the whole, however, the conclusions of the author are well supported by references to a wide variety of source material. There are numerous charts, diagrams, and tables. The book is a provocative treatise which should be read and studied by all interested in and concerned with our national debt problem.

MARTIN L. FAUST.

University of Missouri.

The Process and Organization of Government Planning. BY JOHN D. MILLETT. (New York: Columbia University Press. 1947. Pp. xi, 187. \$2.50.)

This provocative little book enters the lists on behalf of a conception

of government planning that is primarily administrative or, in the author's phrase, "operational" in character. It exposes the illusions and misconceptions which predispose many students of government, to say nothing of the general public, to adopt a distorted view of the rôle of social intelligence in policy formation that is implied in the notion of planning. The book bears the authentic imprint of the author's experience with the National Resources Planning Board, the Army Service Forces, and his productive collaboration with Arthur W. Macmahon in analyzing the work relief programs of the thirties and the topside staff organization and personnel of the federal executive departments. There is a welcome emphasis upon the factors of personality and prestige in organizations for planning, especially in the account of N.R.P.B. and the Office of War Mobilization and Reconversion (pp. 137-159). A vigorous style reflects the forthright personality of the author. Although Professor Millett explicitly announces (p. ix) that the book does not follow the method of recounting personal experiences, this reader could not escape the enjoyable impression of a highly personalized, though none the less expert, analysis.

In the opening chapter, a distinction is drawn between policy formulation and planning, by which the author means to insist that planning must take place within the framework of pre-established policy decisions of politically responsible officials; that planning is improperly conceived as the unrestricted application of human intelligence to the problem of what government ought to do in order to make the economic order function properly; hence, at least within government, the planning process must not be regarded as including the stage at which the crucial political decisions are made. Professor Millett then proceeds to describe in Chapter II the process of administrative planning in terms of three operations: (1) the formulation of objectives or goals of administrative effort, (2) the estimation of need on the basis of a measured comparison between these goals and anticipated accomplishment, and (3) the design of a concrete program of administrative action to meet the need and reach the goal. The third chapter, entitled "Who Plans?," discusses with excellent illustrations alternative methods of coördinating operating programs at the departmental level, and in Chapter IV the author arrives (p. 90) at a definition of central planning as "the supervision, review, and coördination of operating plans which are prepared by agencies throughout the government." The remainder of the book is devoted to the problems of organization for central planning, the location of responsibility for "selling" the plans, and a statement of conditions which planning administration must meet if, in the author's judgment, it is to find acceptance within the American system of free enterprise and legislative-executive relations (pp. 162, 180). The Employment Act of 1946 meets the author's specifications, particularly in its reliance upon the executive for coördinating the

flow of information as to the operation of the economy and the effects of existing government policies, for recommending desirable shifts and modifications in the direction of policy, and for eliminating conflicts in the application of policies established by Congress.

The principal criticism to which Millett exposes himself is derived from the theoretical confusion produced by his attempt to restrict the conception of central planning to an internal process of rationalizing and coordinating the programs, policies, and organizational relationships of government agencies. If I interpret this position correctly, it is based upon three propositions, or value-judgments. The first one is that under American conditions, central planning may include the formulation of goals and requirements for government agencies, but not in any compulsory sense for specific segments of private industry nor for the economy as a whole. Secondly, if the policies and work plans of government agencies are properly systematized and coordinated, their activities will work together to promote the economic ends of government, e.g., "maximum production, employment, and purchasing power." Third, central planning is properly limited to the elimination of conflict and cross-purposes among the policies and activities of government agencies, and the central planning agency must not permit itself to become identified with promotion or advocacy of any particular policy or set of policies. Professor Millett has performed a service in forcing administrators and the rest of us as citizens to reexamine these assumptions.

With respect to his attempt to delimit the legitimate scope of government planning (it may hastily be added, from the best of motives), Millett may fairly be charged with failing to take account adequately of the relation between planning as a process of applied social intelligence and the political process of organizing and expressing the popular will with respect to particular policies of government control over private enterprise. In seeking to avoid von Hayek's dilemma, Millett actually impales himself when he finds it necessary to preclude government by definition from establishing the objective goals of private initiative. As an act of intelligence, there is no rational reason why government planners should not do exactly that, and Millett himself in his final chapter recognizes that the goals of government effort cannot be intelligently formulated without estimating the goals and accomplishments of the non-governmental sector of the economy, including the anticipated effects of government activity under alternative conditions and policies. In short, to this reviewer, the results of defining central planning in "process terms," which obscure or avoid the necessary intellectual operations and the economic effects involved in intelligently-directed government policy, point to an inherent limitation or partiality in the attendant conception of the relation of government to the economic order. Millett's views

should be compared with Sir Oliver Franks' *Central Planning in War and Peace* (available through Harvard University Press).

Neither can the assumption be accepted which implies that the kind and effects of particular economic policies are unimportant as long as they do not conflict in operation, or that planning agencies can escape responsibility for recommending particular policies. The author admits that this is not true of operational agencies. Why should it be true of central planning? Is it not better frankly to recognize that planning under democratic conditions means that politically responsible officials must communicate to the people their considered decisions as to the desirable goal and method of government action in either specific or general terms, as the time and situation may require? The very core of these decisions is the planning work that underlies them. The planning process must therefore anticipate in its recommendations a series of communications which not only explain the factual situation that produced the action program recommended, but will also prepare the people and the legislative body to receive favorably the proposals of the executive. Professor Millett is saying that no conception of government is acceptable in the United States which frankly admits that government may have to establish the goals for private enterprise in certain cases, and that Congress will not recognize and protect the integrity and the responsibility of policy-coördinating officials under the President for recommending programs in specific terms for coördinating public and private enterprise to meet emergent problem situations. Is he right?

AVERY LEISERSON.

University of Chicago.

Speaking Frankly. BY JAMES F. BYRNES. (New York: Harper and Brothers. 1947. Pp. 324. \$3.50.)

We would expect Mr. Byrnes' book to be an important one, and it is, though it does not answer all questions. It does speak frankly and honestly, and it is written with a manifest effort to achieve understanding. It provides us with information and clarification on many points—too many of them to be listed here. Some such points are, by way of example: the voting procedure of the Security Council (pp. 34–38, 64); membership in the United Nations and the admission of the two Soviet republics (pp. 38–40); the assumption of control in Rumania and Poland by the Soviet Union; the dispute over the western boundary of Poland (p. 80); the Morgenthau plan for handling Germany (p. 182); the meaning of "states directly concerned" in trusteeship (p. 220); the atomic bomb and the ending of the war with Japan (p. 264); and the row over the Wallace speech (p. 239).

As to these points and many others, details are added to the picture

by Mr. Byrnes. It is his own story, told in his own very human style, and conveying his own viewpoint. He states, rather than justifies or analyzes, the attitude of the United States. He displays a characteristic American inability to admit that any of our actions could arouse justifiable complaint, and at such places his story is likely to become skimpy. Thus, he says (p. 34) that the Soviet delegation at Dumbarton Oaks insisted that decisions in the Security Council should be by unanimous agreement of the major powers, and that the United States agreed to this; he does not discuss the decisions which must have been made by the United States before this. The constitutional questions raised by the Soviet Union in the Iranian case he dismisses as subsidiary issues (p. 304). Again (p. 213): "We intended that the occupation of Japan should be an Allied responsibility," and we therefore proposed an *advisory* commission; it was a "revelation" (p. 108) when Stalin inquired as to the control of Japan and felt that a Russian representative was useless at Tokyo, where MacArthur exercised complete control. When Stalin wanted some territory, or at least a trust area, Mr. Byrnes remarked that the Atlantic Charter was a forgotten pledge (pp. 76, 96); but he makes no such remark with regard to the bargain by which we got the strategic area trusteeship for the mandated islands and the Soviet Union the Kuriles and half of Sakhalin (pp. 219-221). He apparently thought it strange that when we objected to giving Trieste to Yugoslavia, Mr. Vishinsky should have raised questions as to American forces in Iceland and our desire for bases elsewhere.

In such matters, the book is characteristic of the average American, but it might help some if the United States should once in a while admit that she is at fault and make a concession. Mr. Byrnes is anti-Russian only in the sense that he feels we must be firm against some of her ambitions, and this is a justifiable attitude developed in him by experience. In his final chapter, "Where Do We Go From Here?," he asks that the peace treaties be made and the United Nations be strengthened (though he does not say how); and if the Soviet Union stands in the way of this development, he is prepared to go ahead nevertheless; he does not believe that it will choose isolation or war. This judgment the reviewer accepts as correct. Mr. Byrnes believes that the people should be informed and educated, and again the reviewer agrees—and wishes further that Mr. Byrnes, from his long political experience, would write a book on how efficient popular share in foreign policy could be achieved.

There is an incidental final comment. Mr. Byrnes reveals information at the top level. This reviewer worked for a time in the lower levels of the Department of State and has been afraid ever since—especially in view of recent "security" discussions—to reveal any of the horrendous secrets he learned at that time—e.g., the number of shoes produced in Cuba at

a given period. What is, or should be, the law or etiquette about such revelations?

CLYDE EAGLETON.

New York University.

The United States in the Postwar World. EDITED BY WILLIAM B. WILCOX AND ROBERT B. HALL. (Ann Arbor: University of Michigan Press. 1947. Pp. 302. \$3.00.)

The twenty lectures which this volume contains were delivered at a conference on the problems of the United States in the postwar world, held at the University of Michigan from July 23 to August 3, 1945. The first five, under the heading of "General Problems," deal with educational, economic, interracial, intellectual, and religious coöperation. The next ten lectures have to do with the relationships of the United States with Great Britain, Canada, Latin America, the Low Countries, south-eastern Europe, the Arab world, Russia, the southwest Pacific, and Japan. The last five are on the position of the United States as a world power, and stress ideological, military, and international problems generally.

Throughout the volume there runs the common theme of coöperation. World War II was just coming to an end as the conference met, and it was natural that some anxiety should be expressed over the future policy of the United States, lest there be a repetition of the disastrous years which followed World War I. Very little apprehension was expressed over the future relations of the United States with the Communist world; in his excellent lecture on "The United States and Russia," Mr. Lobanov-Rostovsky brought out several disturbing facts and trends already evident in the summer of 1945, but in the other nineteen lectures there was no suggestion that the number one problem of the United States would be to find a way of getting along with Russia and with Communists in other parts of the world. Perhaps it was proper at this time that the main concern of the conference should be over the correctness of our own policies, without trying to speculate too much on the future policies of other countries; certainly in this connection the lectures displayed a high standard of idealism, advocating a program of coöperation and an end to isolation in every field of interest.

It is, of course, inevitable that lectures delivered by twenty different authorities should be uneven in quality. One of the most informative and thoughtful is that by Professor Kenneth Latourette on "Religious Coöperation," in which the limitations to extensive coöperation among the organized religions of mankind are skillfully pointed out, while nevertheless it is conceded that "the rapidly mounting Ecumenical Movement of Christianity and the work of the various elements which compose it hold promise for the spiritual and moral undergirding of the world of the fu-

ture." Dr. Waldo G. Leland's discussion of "Intellectual Coöperation" provides a good summary of the subject, together with the American interest in it. Canadian-American relations are well discussed by Professors Reginald Trotter, Charles P. Cullips, and Alfred Burt, all of whom bring out the many common interests between the two countries and the close coöperation to which those interests have led.

Generally, the lectures are of a high standard; not more than two or three appear at a disadvantage. All are intended to stimulate popular discussion rather than to contribute new information or to present original solutions to contemporary problems. The layman will find the collection helpful to an understanding of international problems, although it is obvious that the swift pace of events has already dated some parts of it. The student of international affairs will find that among the collection are many good summaries of selected problems and policies. Certainly a series of lectures such as these has a proper place on a university campus. Their publication, too, is to be desired. In the present instance, however, reception by the public at large would have been much warmer if publication could have been more prompt.

NORMAN L. HILL.

University of Nebraska.

Freedom of the Press; A Framework of Principle. BY WILLIAM ERNEST HOCKING. (Chicago: University of Chicago Press. 1947. Pp. xii, 243. \$3.00.)

This is one of six special studies published or being prepared for publication under the authorship of individual members of the Commission on Freedom of the Press or its staff. The General Report of the Commission has already been reviewed in this journal (Vol. 41, No. 3, pp. 559-561); hence our present concern is limited to Professor Hocking's special supplement.

Appended to this special study is the Commission's previously published "Summary of Principle," embodying the substance of its agreements as to principles of belief and of action. The body of this special volume is in the nature of an expanded statement of the condensed Summary, giving supporting arguments and explanation. The argument presented in the text bears the full impress of Professor Hocking's thinking and variety of philosophy, the footnotes presenting critical and supporting points offered by some other members of the Commission, chiefly Professor John N. Clark (pp. viii-ix) and Chancellor Robert M. Hutchins. Thus the special study continues the Commission's timely emphasis upon the need for a more responsible press in the interest of freedom for the community and for consumers as well as issuers of news, opinion, and other communications in the midst of modern hazards to freedom.

The supplied explanation and reasoning, however, do more than justify ideals and attempts at their fulfillment. They amount to advocacy of the philosophy of Idealism as the only true approach. Without pedantic array of reviewer's comments upon particular points, this would seem to be the heart of the matter. It is quite possible that the special elaboration will serve more to revive the issue of Pragmatism versus Idealism than to give pointed guidance to those who would seek to correct unwanted ills of press irresponsibility. It bears out the misgivings which the preceding reviewer held respecting some aspects of the Commission's General Report.

Those who are missionaries for the philosophy of Idealism will accept in full the claim of the book's publisher that here "liberty has found its twentieth-century champion . . . seeking principles on which the Commission on Freedom of the Press might base its work, profoundly and brilliantly reexamining the foundations of freedom of the press in philosophy and law." Or, to continue, that the author "develops a framework of principles for a free press, in view of experience, out of the very nature of man, society, law, and government. Inquiring into the means and ends of free expression, recognizing the protective power of the government and the community toward the press and public, calling on the press to assume its moral responsibilities inherent in the right of expression, this book restates our claim to freedom."

Pragmatists, on the other hand, will doubtless cooperate heartily in any movement for greater responsibility and accountability of our press, without being too greatly concerned about all of the rationalizations which their fellow-workers may feel impelled to formulate. They will understand that a better case can be made for ideals, principles, responsibility, and accountability in the democratic processes, particularly as respects the matter of relative absolutes; and they would applaud the Idealist's resort to pragmatic perspective when in difficulty with his own broad projections of principles. They would hope that Idealism would not become an excuse for failure to accept and to practice gradual implementation of ideals. They would fear that the impedimenta of Idealism might cloud sharper and more useful analyses of legal, governmental, and social institutions. And above all, they would hope that the masters in totalitarian systems would not discover that unintended extensions of Idealism could also be made to serve their purposes of advocacy.

HERMAN C. BEYLE.

Syracuse University.

Public Utility Regulation. By HERMAN H. TRACHSEL. (Chicago: Richard D. Irwin, Inc. 1947. Pp. x, 538. \$5.00.)

Administrative regulation of electric and gas utilities has had a long

and checkered career. Only in recent years, with the final laying of the judicial ghost of *Smyth v. Ames*, does there appear to be a realistic prospect for effective regulation. Professor Trachsel has made a broad survey of regulatory experience in the public utility field, principally gas and electric power. The book is a valuable addition to the already extensive literature on the subject.

A book is entitled to be judged by its success in achieving its primary purpose. Professor Trachsel's study is designed as a textbook for undergraduate courses. As a textbook, it is a workmanlike performance. The author has succeeded in covering a wide range of materials with admirable lucidity. The presentation is dispassionate throughout and is generally well-organized.

The study has four main divisions. An opening section analyzes the nature of a public utility and the purposes of regulation, through summary presentation of leading cases. The author then describes the purposes, powers, and limitations of the "agencies of regulation" at all levels of government. Part III deals in detail with the chief administrative problems in public utility regulation. This section contains excellent chapters on reproduction cost new and prudent investment. Also included are chapters on depreciation, rate of return, rate structures, regulation of accounting and reporting, and the holding company problem. A fourth and final section on "special problems" takes up rural electrification, federal power projects, TVA, and municipal ownership. The book is well annotated throughout, but no bibliography has been included.

Dr. Trachsel appears to have a basic faith in the possibility of developing vigorous and effective regulation, although he is not blind to the defects and pitfalls which have marred the history of regulation by municipal, state, and federal commissions. In the reviewer's judgment, the author has not allotted sufficient space to the impact of federal power policy since 1933. There is no reason to suppose that federal influence will diminish in the future. Rather, the contrary is to be expected. Regulation by competition is just as much regulation as the more traditional method of regulation by utility commissions. A more extended treatment of federal policies and federal agencies would have been appropriate. Dr. Trachsel occasionally seems in danger of ignoring a first principle which he himself stresses that "regulation, if effective, must be exercised by a governmental unit whose jurisdiction is as extensive as the operations of the utilities" (p. 522).

This study is intended to present a "public, rather than either a pro-utility or anti-utility" point of view. Dr. Trachsel has succeeded so well in remaining objective that he has given no space at all to the still burning issue of public versus private power (except in the concluding chapter on municipal ownership). Of course, this is in line with the author's conviction that the issue of ownership is one of expediency, not of principle. Dr.

Trachsel also does not emphasize the pressure activities of privately-owned public utilities. The latter have always been a potent force in blocking, emasculating, or delaying effective public regulation.

On balance, Dr. Trachsel's study is a sound contribution. His chapters on valuation and other administrative problems in regulation are excellent. The simple, clear-cut style of presentation is maintained throughout the volume.

HAROLD W. DAVEY.

New York University.

F. D. R.; His Personal Letters: Early Years. EDITED BY ELLIOTT ROOSEVELT. Foreword by Eleanor Roosevelt. (New York: Duell, Sloan and Pearce. 1947. Pp. xvi, 543. \$5.00.)

These letters cover the period from the time when President Roosevelt wrote his first letter at the age of five until his graduation from Harvard in 1904. The bulk of them come from the Groton period. A very careful job of editing has been done; and following each letter is a note explaining events and identifying personalities.

These letters are a gold mine for gaining an insight into the development of President Roosevelt's character. They do not, of course, explain why he, rather than some other Groton boy, became President; but they do show the roots of the optimism, gaiety, sociability, volubility, humor, conviviality, and epicurism of the man who later became President. They also furnish evidences of the conditioning process which was going on with reference to the language behavior of this future leader. He was learning the vocabularies of Christianity, the free enterprise economic system, the American democratic political system, and the military and diplomatic system of modern nationalism.

As far as his individual motivation was concerned, it stands out clearly that his distant cousin, Theodore Roosevelt, had a tremendous influence. Although Franklin Roosevelt's father was a life-long Democrat, he worked strenuously for the election of Theodore Roosevelt as governor of New York in 1898 when his son, Franklin, at the age of sixteen, was still at Groton. The atmosphere of this school was that of a British public school: the well-born have a responsibility to the state which they can discharge by public service or private philanthropies.

In these early letters, the influence of Roosevelt's mother, his classmates, his teachers, and his family and social sets are abundantly clear. He had kind feelings also for his father, who appeared to be an indulgent parent, but not so preoccupied with parenthood as was his mother.

Scholars should await with great eagerness the next two volumes in the series.

HAROLD F. GOSNELL.

Washington, D. C.

Confessions of a Congressman. BY JERRY VOORHIS. (Garden City, N. Y.: Doubleday and Company. 1947. Pp. 365. \$3.50.)

The author of this book was a member of Congress from 1937 to 1947. He represented the Twelfth California District in the House of Representatives until he was defeated for reelection in November, 1946. Since then he has been executive secretary of the Coöperative League of the United States, the national federation of consumer coöperatives. While in Congress, he was a member of the House Committee on Agriculture, the Dies committee which investigated "un-American activities," the Smith committee which investigated executive agencies, the Colmer committee on postwar economic policy, and several "minor" committees. During his ten years in Washington, Jerry Voorhis earned a reputation as one of the most conscientious, hard-working, and intelligent members of Congress. Press polls rated him as the outstanding legislator from the Pacific Coast, first in integrity, and the most industrious member of the House.

This fine and absorbing book is a case study of the life of a congressman in our time. In a series of candid and revealing chapters, the author takes us through a hectic day in his first campaign, explains why he ran for Congress and how he got elected, describes the membership of the House and what he learned about the American people from their many letters to him, from which several typical passages are quoted. He analyzes the composition of the five Congresses in which he served, classifying the members as reactionaries, conservatives, progressives, and "united fronters." "The conservatives were in . . . real control all the way through" his five terms. One chapter describes the varying influence of state delegations in Congress and the reasons why, including the seniority rule, which Mr. Voorhis thinks should be abolished or modified, although he knows of no better way of choosing committee chairmen. State delegations are seen as a "divisive force" in our government because they serve special interests rather than the general welfare. The New Deal is defined as "the body of legislation passed during the presidency of Franklin D. Roosevelt." Mr. Voorhis believes that the results of this legislation will happily remain a part of America for a long time. But he censures the New Deal for failing to solve the unemployment problem, to break the power of monopoly, and to adapt the monetary and fiscal system to national needs.

Ten chapters—about half of the book—are devoted to the major legislative achievements and failures of the New Deal era and the basic economic and social problems and forces involved. Here we see the author in the thick of the fight for fair labor standards, labor-management peace, farm security, soil conservation, school lunches, a scientific monetary system (his "big crusade"), and the break-up of monopolies. These chapters vividly illuminate the great issues of that eventful decade and Mr.

Voorhis' energetic and constructive rôle in the congressional attack upon them. They include an intimate account of the work of the Dies committee and the conscientious part the author played in its investigation of "un-American activities"; a frank confession of his doubts and worries over how to vote on the vital issues of war and peace; the story of his efforts to persuade Congress to develop a national postwar planning program, and the work of the Committee on Postwar Economic Policy and Planning; and an account of the legislative battle for the control of atomic energy. Another chapter describes nine "little bills" Mr. Voorhis tried to get approved in 1946, with four of which he was successful.

Two chapters of special interest to students of Congress describe the "Congressman's job as it is" and "as it ought to be." Here we follow the congressman through a typical day on Capitol Hill with its letters, callers, committee meetings, House session, telephone calls, interviews, services to constituents, and evening home work. "If a congressman tries to do his job as that job is laid out for him today, he faces an almost impossible task." If Congress is to maintain its coequal place in the American scheme of government, Mr. Voorhis concludes, it must further strengthen its staff aids, set up over-all policy committees to prepare a national legislative program, find a better method than seniority for selecting committee chairmen, and reform the procedures of the House Rules Committee. Passage of the La Follette-Monroney bill, he thinks, was a big step forward; but "a great deal remains to be done."

GEORGE B. GALLOWAY.

Library of Congress.

The Future of Australian Federalism; Commentary on the Working of the Constitution. BY GORDON GREENWOOD. (Melbourne: Melbourne University Press. 1946. Pp. ix, 316. 17s. 6d.)

This volume is a welcome addition to the literature on the Australian federal system, and students of comparative institutions, particularly of comparative federalism, will find a great deal of interest and value in it, inasmuch as federalism is being subjected to many stresses and strains under the impact of war, economic difficulty, and international disequilibrium.

Mr. Greenwood traces the course of the three constitutional conventions held in the decade 1890-1900 and indicates that certain basic problems were realized, such as the difficulty of insuring that the Senate adequately protect state rights in a parliamentary form of government, the difficulty of combining federalism and parliamentary government, the problem of an effective federalism while state railways remained under the control of the state governments. Mr. Deakin, soon after federalism, noted that although the states seemed to be protected in their legal relations, they

were nevertheless tied to the financial chariot wheel of the Commonwealth, and he early saw the danger to the states of the financial clauses in the constitution.

The history of Australian federalism reveals many striking developments. The High Court, by a shift in its interpretation, has profoundly affected the balance of the constitution, and the author examines many cases to illustrate the point. The referenda have shown the Australian people to be surprisingly conservative when called upon to amend their constitution, even though they have frequently voted for Commonwealth labor governments which have consistently attempted to expand federal powers. Greenwood's analysis of the workings of the referendum makes interesting reading, and indeed he raises the question whether the referendum is invariably a satisfactory method of constitutional amendment, since it is difficult if not impossible for many citizens to divorce the broad question of federal vs. state powers from the more immediate political question of this or that party's political program. The difficulties of divided jurisdiction are set forth, especially those dealing with the arbitration of industrial disputes and the problems of marketing which led to some of the most debated cases before the High Court and the Privy Council.

Perhaps the most significant experiment in Australian federalism is found in the establishment and working of the Commonwealth Grants Commission, a body of independent experts set up in the early 1930's, which year by year has examined applications made by the states of South Australia, Western Australia, and Tasmania for financial assistance from the Commonwealth under Section 96 of the constitution; and the author sets forth some of the problems which confront this important body. Article 96 may contain, as Professor Bailey has remarked, "the mechanism of Commonwealth supremacy," for the High Court upheld the Grants Act and the Tax Act of 1942 without reference to wartime powers. Greenwood's general view is that modern conditions demand a "bestowal upon the Central Government of a measure of power sufficient to regulate the economic life of the nation," and that "a constitutionally rigid division of powers between national and provincial authorities is no longer consistent with effective regulation of industry, or the maintenance of a national standard of performance."

Some readers may wish that the author had arranged his material somewhat differently and had subdivided headings a little more generously. A different arrangement might have added to the clarity of the analysis. But these are minor matters in a book which has well fulfilled its major purpose.

LINDEN A. MANDER.

University of Washington.

Geschichte der Weimarer Verfassung. BY WILLIBALT APELT. (Muenchen: Biederstein Verlag. 1946. Pp. xii, 461).

This volume presents the first critical evaluation of the Weimar constitution to appear in post-Nazi Germany. The author, now professor of public law at the University of Munich, was a collaborator of Hugo Preuss, "father" of the Weimar constitution. As a teacher of government under the Republic, Mr. Apelt was a careful observer of the working of the constitution and as a one-time minister of the interior of Saxony he participated in the attempts at reforming the federal structure of the Reich.

The first part of the study is devoted to a short, and not very original, critique of Bismarck's constitutional creation and to an account of the political events and processes that led to the making of the constitution of 1919. The main portion of the book analyzes the solution which the Constituent Assembly of Weimar adopted for such problems as the territorial division of power, the distribution of powers and functions among various agencies, and the elaboration of a twentieth-century bill of rights. Mr. Apelt traces the development of constitutional practices and theory throughout the Weimar period before, in a concluding part, he describes the futile efforts at overcoming some of the most obvious shortcomings of the constitution and the gradual breakdown of representative government in Germany.

The author hopes to see his book in the hands of the educated German public rather than in those of the constitutional lawyer and political scientist. (For this reason he has kept bibliographical references to a bare minimum.) And if there are enough Germans to direct their attention to a careful and also extremely pedestrian account of the defunct Republic, the study will prove very useful. Outside of Germany, those chapters will be of interest that deal extensively with the problem of German federalism. The author, quite remarkably for a full professor at the University of the Bavarian capital, criticizes with much pertinent evidence the trends toward extreme federalization of the Reich and the particularist endeavors which during the life of the Republic prevented structural reforms. In favor of a decentralized unitarian state, he demonstrates how too extensive prerogatives of the German *Laender* ultimately provoked the dangerous over-centralization of the Nazi state.

Professor Apelt's book deserves particular attention as a testimony to how the ill-fated experiment of the Weimar Republic appears to a competent German scholar after twelve years of Nazi dictatorship that have led to the dissolution, at least temporarily, of a sovereign Germany. But as such a testimony the book has also its greatest shortcomings. That the author should have had no knowledge of the extensive writings that were published after 1933 outside of the German borders with reference to the constitutional and political history of the Weimar Republic, is quite

understandable. (From books such as this it becomes once more evident that there is no hope for the intellectual reorientation of the Germans without first overcoming their complete isolation from the outside world, and also that this cannot be effected without literally pouring into Germany books published abroad. What Military Government authorities are doing in this respect amounts to but a trickle.)

While the author cannot be held accountable for ignoring the results of research to which he had no access, his entire treatment suffers from an inability to consider the problems of constitutional order with an eye to the more fundamental political and sociological problems. He is willing to fasten responsibility for the downfall of the Republic on individuals and fails entirely to assess the rôle which bureaucracy and pressure groups played in wrecking the constitution. He intelligently considers advantages and disadvantages of various electoral systems, but his discussion of the rôle of political parties in the framework of the modern state is most unsatisfactory.

The constitutional history of the German Republic has yet to be written. Mr. Apelt's study will be considered a worth-while contribution to such a work, which, however, must draw on German documents hitherto unavailable, and on the analyses furnished by American and other non-German scholars while Germany was shut off from the outside world.

HENRY W. EHLMANN.

University of Colorado.

And Call It Peace. BY MARSHALL KNAPPEN. (Chicago: University of Chicago Press. 1947. Pp. viii, 213. \$3.00.)

What is American Military Government in Germany really like? How does it strike "professors in uniform" who work for it? How can the American public be given an adequate appreciation of the problems and headaches which daily confront MG? Books answering these questions have begun to appear. To Harold Zink's *American Military Government in Germany* (see this REVIEW, Vol. 41, pp. 1001-3) is now added an interesting volume by Professor Knappen of Michigan State College, who, during World War II, laid aside his academic robes to don the uniform of a lieutenant colonel.

In Military Government parlance, "ERA" means "education and religious affairs." Dr. Knappen was intimately associated with ERA from its beginnings down to April, 1946, when he returned to the United States. He served as chief of the Religious Affairs Section and deputy chief of the Education Section of the Office of Military Government for Germany (U. S.) and its predecessor organizations. In one sense, he has written a "history of the outfit," but it is far from being the usual official history from which all discordant notes have been eliminated. On the contrary,

the author lays about him with a will and a wit, paying his respects to "the Brass," the Regular Army, the occupation troops, the "bright young civilian employees of the Treasury Department . . . big with a sense of their importance as missionaries for the Morgenthau Plan," and many others. ERA was chronically and pitifully understaffed. It was treated as a kind of stepchild, with little understanding of the great, long range contribution which it could make to the reorientation of Germany.

The most valuable chapters of the work are those dealing with ERA's contacts and activities with Germans. How were school buildings, textbooks, and other supplies provided? What was done about denazification of teachers and clergy? How were new teachers trained? How successful was the program for German youth? One also finds pen pictures of leading German ecclesiastics, the chapter on Pastor Niemoeller being especially good. The discussion of these topics might well have been expanded, since too little is known about them in this country.

And Call It Peace is a pessimistic and critical study. "If the Roman legions had sometimes made a desert and called it a peace, we could make a pasture and do likewise" (p. 54). It too much reflects the trends present in the first years of Military Government. After that, a change for the better took place. Morgenthauism is dead. There is now a much greater social consciousness and sense of mission among MG personnel, high and low, than there was before. At the same time, a better reporting job is being done in the American newspapers. Dr. Knappen's book, therefore, should be read for the historical background of MG in Germany, and not as present description.

ROGER H. WELLS.

Bryn Mawr College.

A Manual of International Law. BY GEORG SCHWARZENBERGER. (London: Stevens and Sons, Ltd. 1947. Pp. 1, 428. \$7.50.)

The Crisis in the Law of Nations. BY H. A. SMITH. (London: Stevens and Sons, Ltd. 1947. Pp. 102. 7s. 6d.)

These two volumes provide timely discussions of present-day problems in the field of international law and reflect transitional thinking which is the natural aftermath of the war. The books are somewhat different in their general plan and purpose. One, although largely designed as a teaching aid, sets forth a rather definite point of view and treats broadly the entire field of the law. The other treats of basic features of the law, and of the law's function in the light of conditions which are thought to threaten seriously the fulfillment of that function.

Professor Schwarzenberger essays, as an educational aid, a synopsis rather than a panorama (p. xi), and presents it with effectiveness in his Part I, comprising 152 pages. In the course of this, he offers many sug-

gestions which, while not entirely new, merit reëmphasis, e.g., that international law has frequently offered excuses to states which wished to cloak their designs in quasi-legal garb (p. 2); that only on the "lowest level" are judgments of municipal courts merely evidences of national attitudes to international law (p. 17); that treaties of commerce have been very useful in laying down minimal standards for the treatment of individuals (pp. 35, 44 et seq.); that there is a great variance in the extent to which public international enterprises are accorded international personality in the legal sense (p. 115). On a more controversial matter, the author submits that, in principle, "states are free to replace as between themselves any rule of customary international law by other rules" (p. 63); he takes the position that it would be premature, as yet, to over-emphasize the desirability (and likelihood, in an international society more highly integrated than the present interstate system) of developing principles which might limit this process (pp. 12, 63). In the opinion of the reviewer, it is questionable whether, merely because jurisdiction in each case depends upon the consent of the parties concerned, "the distinction . . . between compulsory and voluntary arbitration is misleading" (p. 111); the time relation between the occurrence of a dispute and the commitment to arbitrate it would seem to point to a rather fundamental point of difference.

In Part II, comprising nearly two hundred pages, Professor Schwarzenberger has provided a series of useful Study Outlines, corresponding to the chapters in the preceding part of the book. Questions and problems are included, and listed are documents, books, articles, and judicial decisions. Bibliographical lists are up to date and should be of great assistance in providing guidance for students.

Other features of Professor Schwarzenberger's volume are Part III, on "Material for Further Reference" (bibliographical, and comprising eighteen pages), an appendix showing membership of the principal organs of the United Nations, a table of cases (thirteen pages), a table of multilateral treaties, a table of statutes and orders, a glossary of terms and maxims, an index of persons, and a subject index. The whole brings together in one volume an extraordinary quantity of valuable teaching material.

Professor Smith's book incorporates the substance of lectures delivered at the University of Istanbul, in addition to a paper previously published, and a final chapter on "The Problem of Rebuilding." In the course of his opening chapter, on "The Problem of Change," the author says of certain rules which antedated World War I, and which were expounded by textbook writers in the period between the two World Wars, that "in 1939 this unreal and fictitious structure collapsed almost at once" (p. 15). In a chapter on "The Danger to the Foundations," he discusses (1) the loss of

unity (in the sense of a common faith, a common culture, agreed standards of right and wrong, and a common inheritance of law) which began with the Bolshevik Revolution in Russia in 1917, and (2) totalitarianism and its effect, particularly on the right of the individual and on private trade. An instructive chapter on "The Process of Change" contains the suggestion that to the purely legal mind anything novel is likely to appear illegal (p. 40); that in the development of law by custom someone has to take the initiative—and the criticism (p. 42); and that custom is effective as a means of developing the law within limits set by reason and justice (p. 42). A chapter on "Some Problems of Maritime Law" is followed by one on "War in Three Dimensions." There will doubtless be considerable disagreement with the author's position, in this connection, that the old distinctions between contraband and non-contraband, between the property of the state and the property of the individual, have become obsolete (p. 74). In his chapter on "Law in the United Nations," Professor Smith submits that in the making of the Charter international law and its exponents were thrust into the background (p. 82), and that the Charter expresses the doctrine that supreme power is above all law (p. 89).

The volume usefully emphasizes that law should not be—as the author believes it is regarded in Nazi and Marxist doctrines—the mere form or agency through which power translates itself into action. The author feels that the present disunity of mankind is something for which civilized history affords no precedent, and that what is necessary in order to save the world is a common standard above the human level by reference to which all human conduct can be judged (pp. 101–102).

ROBERT R. WILSON.

Duke University.

The New Foundation of International Law. BY JORGE AMERICANO. (New York: The Macmillan Company. 1947. Pp. xvi, 137. \$2.50.)

The thesis of this little volume by a leading Brazilian jurist and educator is that the classical law of nations is a failure because it is not based on justice nor backed by an international organization nor applied with equity in the practice of states. "What is needed, therefore," it asserts, "is a reform of its foundations, basing it on justice, like all other branches of law" (p. x.). What its author actually does, however, is to dismiss this law altogether at the outset, then trace the bare outlines of a new and moral international law and of an effective international organization, and discuss education as the means to their achievement and preservation. Accordingly, Part I (pp. 1–58) of the book attacks the fundamentals of this new international law. These are the scope, the object, the rule, and the subjects of this law; international property and property of an international value; and international juridical facts. The central ideas of

this part are that the new international law must cover all those aspects of human relationships ordinarily governed by municipal law; that the end of this law is to guarantee human dignity and freedom; that, for this reason, not only the superstate and its autonomous affiliates or nations and groups of nations, but also the individual, must be recognized as international persons; that the open seas and air and their means of access, as well as strategic bases and materials, are to be internationalized in one form or another, and that both war and neutrality are international crimes. Part II (pp. 59-77) deals with the organization of the new international community. Except for its hope that this society may be transformed into a superstate capable of enacting and enforcing international law, and for its voting formula attempting to balance culture and political power, this part merely endorses Dumbarton Oaks and comments briefly on it. Part III (pp. 79-137) revolves around the belief that education everywhere for and in democracy and against war psychosis and nationalism will make possible and nourish this new international organization and law.

As this brief summary indicates, the volume is an exposition of neither past nor present international organization and law, nor of any significant portion thereof. Nor is it a contribution to the study of international politics or of the causes of wars. It is, rather, a plea for the ideas which it endorses. As such, it has all the merits and defects of a legal brief. It is, for instance, eloquent in its ardor for the rights of man and for democracy. It is equally emphatic in its rejection of the villainy of dictators and dictatorships, particularly of those existing after the fighting stopped in the recent war. But it has also a pronounced tendency to treat lightly or not at all those troublesome facts which have hitherto obstructed the march to triumph both of the supernational law which this book actually espouses and of the superstate for which it campaigns. Above all, it places far too much emphasis on the efficacy of education as a panacea for securing the peace.

GEORGE MANNER.

University of Illinois.

Inside Pan-Arabia. BY M. J. STEINER. (Chicago: Packard and Company. 1947. Pp. xv, 237. \$3.00.)

This timely book is far from being a cold truth-seeking scientific study. For instance, the author says (p. 208): "But any toying with an explosive political idea in this vital area at the cross-roads of three continents may seriously jeopardize the peace of a new and free world." Mr. Steiner here warns vigorously against Pan-Arabism, and fails to see that the Jewish political Zionism which he elsewhere eloquently supports precisely and immediately fits his picture. In fact, the book has a distinct propagandist

flavor, cunningly playing down the Arabs at a hundred points, and deftly working in favor of making Palestine, enlarged to include Transjordan, into an independent Jewish state.

A reader who is forewarned can, however, find much that is interesting and valuable about the actively complicated Middle Eastern political, economic, and social situation. Mr. Steiner has great knowledge of the old and continuous history of that crucial portion of the world, of its recent economic and political episodes, of its local leaders, and of imperial interests there. He does not really pretend to answer the questions on the book's jacket about the relation of Arabian oil to the prospects of a new world war, the pretensions of the U.S.A. and the U.S.S.R. to become Moslem powers, the threatened collapse of the British Empire in the Middle East, and the British retreat to a firm foothold in the Sudan. He ends his text with the wise Arab maxim: "Only Allah knows."

Five chapters of the book give a spirited brief history of the Arabs to 1918; six take up in succession Saudi Arabia, Syria, Iraq, Palestine, Egypt, and North Africa; three deal with the Arab world's relation to Mussolini, Hitler, and the Mufti Haj Amin al-Husseim; and three present the Jewish side of the Palestinian problem, the alleged mythical character of Pan-Arabism, and a distinctly unfavorable view of the Arab's approach to democracy.

Mr. Steiner is inclined to emphasize the weaknesses of the Arabs, such as intolerance, lack of unity, illiteracy, concentration of wealth, and resistance to modernization; and to pass over their strong points, such as hospitality, intensity, tenacity, and courage. He depreciates their capacity for leadership, because they have not lately produced a Ghandi or a Chiang Kai-shek (p. 199); yet he mentions a dozen leaders, several of whom are of increasing influence, such as Abdur-Rahman al Azzam, Ibu Saud, and the Mufti, who is rightly blamed for coöperation with the Axis.

The author has the unfriendly attitude toward Britain that is common among Zionists (pp. 112, 187 *et passim*). Instead of gratitude for the Balfour Declaration and the protection of Jewish immigration into Palestine, so that in twenty-five years 90,000 Jews became 600,000, Mr. Steiner accuses Britain of breaking faith and of acting only in support of selfish imperialism. He charges Britain with creating the Arab League in her own interest (p. 205), whereas the real artifice of that League, by self-defensive reaction, is militant Jewish Zionism. The attempt of Britain to solve the Palestinian problem through the plan of the White Paper of 1939 is heartily denounced (p. 121); nevertheless it prevented internecine strife during eight years; and should the attempt of the United Nations toward partition fail, it may yet serve as the pattern for a peaceful and united Palestine.

A few errors have crept in: Russia has not "gained vital oil concessions in northern Iran" (p. xiii); Central Arabia was never a "province of the Ottoman Empire" (p. 24); the Italians in 1912 actually shelled Beirut, not Constantinople (p. 39); a Sharif (or Sherif) is one believed to be descended from the Prophet Mohammed (p. 55, n. 1); "students of Arab history" can hardly agree that "the Arabs have never been an empire-building people" (p. 199), nor that the Egyptians "have actually nothing in common with the Arabs" (p. 124). Greater uniformity might have been obtained in transliterating Eastern names, and the proof-reading could have been more accurate.

ALBERT HOWE LYBYER.

University of Illinois.

Old China Hands and the Foreign Office. BY NATHAN A. PELCOVITS. (New York: King's Crown Press. 1948. Pp. xi, 349. \$3.75.)

This excellent study (published under the auspices of the American Institute of Pacific Relations) has, as the title indicates, a restricted scope. Nevertheless it throws light on aspects of British policy as well as on the success of the Old China Hands, in England as well as in China, in influencing policy. It is made quite clear that that influence was greater in the formulation of commercial policy than on political questions, even when the latter had an admixture of the commercial. If the reader feels that there is an undue repetitiveness in the book, he should return to the first page to be reminded of what is adequately documented. This is "that what the forty heads of Manchester firms wrote to Lord Palmerston in 1839, British merchants in Shanghai could repeat to Lord Elgin in 1858 and again to Sir Rutherford Alcock in 1868; and the China Association could take up the identical refrain in 1898 and 1906" (p. 1).

The basic premise of the Old China Hands was that there were enormous potentialities in the China market. To realize these potentialities, it was necessary that China should be generally opened to foreign trade and residence (but without modification of the extraterritorial system). They consistently held that the proper enforcement of the Tientsin treaty would give them "everything from abolition of internal taxes to a comprehensive privilege of trading and residing throughout the whole of China" (p. 6.). In this enforcement they wanted the British government to apply pressure on local officials, rather than to act through, and thus in support of, Imperial authority. They predicated the essential backwardness of the Chinese, although attributing to them, outside of officialdom, a willingness to make "progress" under proper guidance and direction. This direction toward reform, thought of as involving the building of railways, the introduction of steam navigation on the inland waterways, and the improvement of the fiscal system, should be given by the British government, if necessary "Indianizing" China.

The major premise of the merchants was rejected by the Foreign Office and the Board of Trade; the government consequently following, after the signature of the Tientsin treaty, what the author calls a policy of limited liability. "Thus the twin principles of reducing contacts with the natives and of holding the central authority responsible for the good order and observance of treaty rights did not originate with the advent of Lord Clarendon to the Foreign Office (as alleged by the Old China Hands). They became official policy soon after the signing of the treaty of Tientsin when the Board of Trade convinced the Foreign Office that Britain should cut her commitments in China" (p. 31.) Attempts were made to secure specific additional rights of trade and intercourse, but through treaty revision rather than through "enforcement" of the unrestrictive interpretation of the Tientsin treaty.

The author examines in detail the attempts of the Old China Hands to bring pressure to bear to secure acceptance of their views. The instruments of pressure were the Shanghai and Hongkong as well as the home chambers of commerce, until the formation of the China Association, when it largely preëmpted the field. He also examines the relationship when the problem changed from one of commerce to that of securing concessions while protecting commerce within spheres of interest. Even here, where international rivalry had supplanted Chinese "backwardness" as the problem to be solved, he shows the Old China Hands essentially as incapable of learning any new forms of behavior.

HAROLD M. VINACKE.

University of Cincinnati.

The World and Africa; An Inquiry into the Part Which Africa Has Played in World History. BY W. E. BURGHARDT DUBOIS. (New York: The Viking Press. 1947. Pp. xii, 205. \$3.00.).

Liberia; A Century of Survival, 1847-1947. BY RAYMOND LESLIE BUELL. (Philadelphia: University of Pennsylvania Press. 1947. Pp. viii, 140. \$1.50.)

Superficially, there is little in common between the late Dr. Buell's *Liberia; A Century of Survival, 1847-1947*, and Dr. DuBois' *The World and Africa*. The first is a factual, pedestrian study of Liberia by an eminent white student of colonial problems; the other is a fiery exposition of the importance of Negroes and black Africa in world affairs, written by a distinguished colored student of Negro problems. Both authors are learned, and both show worthy consideration for the underdog; both respect the strength and soundness of native institutions. Neither reveals fully the profound anthropological approach which characterizes many contemporary books on colonial peoples.

Buell's *Liberia* is Number 7 of the "African Handbooks" series pub-

lished by the University of Pennsylvania Press. Half of its 140 pages is an appendix of documents. Although its title indicates that Liberia is covered to 1947, the preface is dated December, 1945. Buell's initial chapter arrests our attention with an exhibit of America's large postwar commitments in Liberia in the shape of health and economic missions, the Firestone program, iron mine exploitation, and the construction at United States' expense at Monrovia of a port and American naval base. The country's conditions are deplorable—illiteracy, poverty, exploitation of the natives, and a corrupt and inefficient governing class of Americo-Liberians kept in power by corruption and United States support. Buell is at his best in analysis of our past policies and in his proposals for the rehabilitation of Liberia. He would replace our piecemeal program of dubious legality with an integrated, legal program of economic, health, and political assistance supplemented by a West African regional council. "The problem of Liberia," he holds, "is not to improve a colony, but to strengthen the foundations for independence."

DuBois employs every scrap of evidence to improve the standing of Negroes. He does this by stressing the importance of Africa, by arguing that many cultures and peoples, presumably white, have been significantly influenced by Negroes, and by blaming white exploitation for today's condition of colored peoples. His style is detailed, vigorous, emphatic; indeed, he overstates his case and alienates by his violent assertions and strained evidence. Thus he accepts Marco Polo's statement that Madagascans are blacks. Yet his plethora of dubious or slight allusions to Negroes have a powerful cumulative effect. Some of his argument is weighty. Witness his account of Sudanese accomplishments and of the rôle of Negroes in ancient Egypt. DuBois is most successful in his appraisal of the slave trade and in his proposals for truly freeing Negroes and all other peoples by advanced economic and democratic systems.

His book is rich in references to little known works and events. Often, only a specialist in Negro history or in anthropology can judge his conclusions effectively. This book would teach most political scientists much about the historical importance of colored peoples, but it would leave them confused as to the precise extent of their influence. After all, DuBois is suggesting a new frame of reference. We need a more clear, more dispassionate, larger account of Negroes than *The World and Africa*. Both books reflect the enlarging interest in colonial and minority questions; and in their concern for minority groups and their respect for native institutions and cultures, they show that scholars, white and black, are more nearly in agreement than we may think.

GARLAND DOWNUM.

Arizona State Teachers College.

Men of Law. BY WILLIAM SEAGLE. (New York: The Macmillan Company. 1947. Pp. 591. \$5.00.)

This is a very attractive and cleverly done biographical dictionary of a group of judicial statesmen who as writers, legislators, or jurists have been creators or reformers of the law. Into these brief biographies (adequate, however, for the purposes of the author) has been woven the web of the economic, social, and political factors which have made the law and furnished the opportunity for the spokesmen of the law to serve as the mouthpiece of these creative forces. The story of the law is told in a simple and attractive style, interspersed with significant quotations from literature, anecdotes, and even love affairs which are sometimes made the turning points in the development of the law. The author has displayed considerable genius in stripping the subject of its technicalities and in producing a book which is easily within the understanding of the layman, but which does not provide a dull moment for even the legal eruditionist. In this respect, the author has made a contribution to the literature of the law. Undoubtedly, there was no intention of attempting a contribution to either the law or jurisprudence.

The figures selected by the author to be used as the means for portraying this connected story of the evolution of the law are, in chronological order: Hammurabi, Solon, Gaius, Justinian, Grotius, Edward Plantagenet, Thomas Egerton, Sir Edward Coke, Sir William Blackstone, Caesare Bonesana, Jeremy Bentham, John Marshall, Rudolf von Jhering, and Oliver Wendell Holmes. It is obvious from this list that the author does not emphasize exclusively the work of great jurists or that of great practitioners, but also that of theorists, writers, and critics of the existing legal order such as Bentham, who undoubtedly was the greatest legal reformer of all time, but who in some respects was intellectually unbuttoned. While possibly no two legal scholars would make the same selection of men for such a book, it does not follow that the selection of the author is not especially adapted to his purpose. Each of the great legal systems has at least one representative, while the common law has several, and American constitutional law is undoubtedly represented by its two most able exponents.

The book is not an analysis of legal systems as such, but rather an account of the social forces and processes which made the law and forced changes in the law and its administration. It shows how and why the purposes and ends of the law changed as civilization changed. The land law of feudalism was totally inadequate for the commercial revolution, and the industrial revolution and the age of corporations likewise required their special legal orders.

The author is especially critical of John Marshall and his "manipula-

tion" of judicial review. Some of his statements amount to an injection of his economic theory and may well be challenged as to historical accuracy. In some instances, certain material is chosen in preference to other material from the same source which would not so effectively sustain his point of view. After deprecating Marshall's lack of both academic and legal training, and practically charging him with prostituting himself in his decisions in the interest of the property-holding class, even setting a precedent in his own interest (after enumerating the circumstances which gave rise to *Fletcher v. Peck*), he says: "Since John Marshall ignored all those circumstances, it is fair to surmise that as one of the holders of the title to the Fairfax estate, which rested upon the shaky foundation of a pre-Revolutionary British grant, he was *vitally interested* in establishing a precedent for the security of titles" (p. 294, italics mine). He states that Justice Holmes did not think too highly of Marshall, quoting him: "I should feel a greater doubt whether, after Hamilton and the constitution itself, Marshall's work proved more than a strong intellect, a good style, personal ascendancy in his court, courage, justice, and the convictions of his party." The author, however, would have left a very different impression of Marshall if he had quoted the following from Justice Holmes: "... but when I consider his *might*, his *justice* and his *wisdom*, I do fully believe that if American law were to be represented by a *single figure*, *sceptic and worshipper alike would agree without dispute that the figure could be but one alone, and that one John Marshall.*" (*Speeches*, 1934, p. 90.)

The author thinks that judicial review is a doubtful implication from the constitution, and that, but for Marshall, it might not have been used, whereas other judges had already used it. He thinks that the cases in which Marshall used it were "trumped up" except that of *Gibbons v. Ogden*, and that its main purpose was to protect property rights despite the fact that in the above case it was used to destroy a monopoly. In fact, he thinks that Marshall's nationalism was a mere coverage for property rights, and that Story was too weak to resist Marshall's influence. In fact, Story was more of a nationalist than Marshall.

"The greatest of all the pressures for judicial review, however," he says, "was not so much political as economic" (p. 274). How would he explain the fact that Sam Adams, Patrick Henry, and Thomas Jefferson—three outstanding radicals—were strong advocates of judicial review, the latter suggesting in a letter to Madison from Paris while the Convention was sitting that it was the proper method for harmonizing the federal principle rather than giving to Congress the power to repeal the acts of the states as was proposed by the Virginia plan.

The author evidently belongs to the School of the Realists. He feels that administrative law is the chief contribution to the jurisprudence of our time, and that its main purpose is to protect the public from the property-

holders. He seems to regret that its development was interrupted by the abolition of the Star Chamber of the Tudors and Stuarts, by means of which they took off the heads of 72,000 Englishmen and were in a fair way of establishing absolutism over the English people.

The author feels that Justice Holmes was always free from the trickery of Marshall and, unlike Marshall, never read his politics into our constitutional law. He thinks that Holmes occupies a much more permanent place in the development of our jurisprudence, and that he is the outstanding example of the truly judicial mind in our history and ranks with the great jurists of the ages.

C. PERRY PATTERSON.

University of Texas.

Masters of Political Thought—Machiavelli to Bentham. BY W. T. JONES
(Boston: Houghton Mifflin Company. 1947. Pp. 388. \$3.75.)

This second contribution to the late Professor Edward M. Sait's projected three-volume series sustains that editor's expressed purposes in initiating the plan. As with Vol. I, *Plato to Machiavelli* (See this *Review* Vol. 35, p. 818), the ideas of the chief political thinkers of the period are presented by means of excerpts, supplemented by the author's comments so as to explain but not supplant the actual texts. Dr. Sait contended that such a medium would be superior to the conventional textbook approach, especially in undergraduate courses where limitations of time and library resources precluded student use of original works in their entirety.

Dr. Jones, a professor of philosophy, is an Oxford graduate and well qualified for his task. While one may not concur in all of his interpretations, the author has succeeded in analyzing with admirable skill and effectiveness the basic structure of each of the eight systems considered—Machiavelli, Bodin, Hobbes, Locke, Montesquieu, Burke, and Bentham.

Political scientists may wish to question the author's viewpoint, expressed in the introduction, which appears to relegate their rôle to that of fact-finding and holds that "to try to understand, interpret, and evaluate these facts by putting them in relation to other kinds of facts . . ." is the prerogative of the philosopher. Such a challenge to the traditional scope of the political scientist's work should not go unremarked, though there is not space here to press the issue. It may be noted, however, that Professor Friedrich's summary of instruction and research in political science in the October, 1947, issue of this *Review* points to the preservation of the "common core of basic understanding" of present-day political scientists by "a firm and constant emphasis in teaching and research upon the history of political theories. . . ."

Other debatable features of the book are largely matters of individual taste. Why, for instance, were not Hobbes and Locke "translated" into

modern English to make the book consistent? There is, to be sure, something to be said for preserving the original "flavor" of any work—from a literary standpoint. But is the student of political theory so concerned—especially when the flavor intrudes, however slightly, on the smoothness of exposition? Are the bibliographies at the end of successive chapters appropriate for American college libraries? The references are mostly to English works not likely to be available in the smaller American colleges where doubtless the book will be most useful. It might be said in reply that any competent instructor will be aware of the more obvious sources, while the references listed furnish the more ambitious student with leads that might otherwise be overlooked. Why does each volume of the series overlap with the succeeding volume? Machiavelli is treated by both Foster and Jones, and presumably Bentham will be repeated in McGovern's third volume. This might well be justified as tying the series together if a separate aspect of each were considered, but in the case of Machiavelli, although the approach is different, the biography is repeated and some identical passages are selected for quotation, Foster using the Thomson translation and Jones using Ricci.

The above criticisms should not obscure the fact that this volume, like its predecessor, is a welcome and valuable instructional aid. The reviewer has used both in senior courses in political theory and can report that student response has been highly favorable, particularly in regard to the manner in which Professor Jones has handled his commentaries. Dr. Sait's vision is bearing fruit.

D. MACKENZIE BROWN.

Santa Barbara College.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

In his *This is My Story* (McGraw-Hill Book Co., 1947, pp. xiii, 379, \$3.00), Louis Francis Budenz undertakes to explain why he joined the Communist party in 1935, to outline his experiences as a prominent figure in it for the decade that he was a member, and to reveal his reasons for withdrawing from it in 1945. Apparently it was the shift to the "popular front" policy that attracted him in the first place. Nevertheless, the reader is left somewhat puzzled since, through long years of experience with other political action groups, Budenz was already fully familiar with Communist party tactics and had found them irritating. Even so, he says (p. 127) that he "did not dream" that membership "would enmesh" him "in a thought-controlled world." And, after joining the Stalinist party, he was surprised to discover that the policies of the Central Committee were dictated largely by representatives of the Communist International.

Moreover, he never ceased to be surprised that each time Browder went to Moscow the party line shifted. And yet these discoveries did not deter him from staying on to serve the party in increasingly important capacities, including membership on the Central Committee and the managing editorship (for more than five years) of the *Daily Worker*. Nor did they deter him from believing that he could reconcile the objectives of Communism and Catholicism. His exit from the party was more dramatic, if less impulsive, than his entrance into it. As early as 1943, he decided to return to the Catholic church, from which he had been excommunicated for marital complications. Still he continued his editorship of the *Daily Worker*, acting in a sense as an outsider on the inside. The final culmination of his intention to withdraw caught the party leaders as short as some of the shifts in the party line. The *Daily Worker* continued to carry his name on the masthead after other newspapers and the radio announced his withdrawal and return to the Catholic church. The publicity on the cover states that "Mr. Budenz has exposed some startling facts about the Communist party in the United States." To those who do not know that the Communist party line shifts from time to time, that it is determined largely in Moscow, and that the shifts sometimes catch the party workers in this country unprepared, the book will be revealing. To those already familiar with these facts, the volume will be valuable largely as the fascinatingly strange story of Mr. Budenz—of his rationalizations, mental conflicts, and mental hair-splittings.—E. ALLEN HELMS.

There is an old saying that where the tariff is concerned the free trade economists win all the arguments but the protectionists get the votes. For a century, the debate has gone on in the United States, with the economists showing conclusively that lower tariff rates and fewer restrictions on trade make for a greater exchange of goods and services—and that this in turn makes for greater prosperity, a higher standard of living, fewer monopolies and special privileges; and that, internationally, the same freedom of exchange makes for less friction and a greater chance for peace. But at election time all such sane arguments are summarily brushed aside by such patriotic-sounding catch-phrases as "protect the American laboring man and the American standard of living for workers," etc., etc. At a time when the United States stands in a position of potential world leadership, when she can well compete with the production of any nation, and when world commerce and trade need to be freed from innumerable shackles, there comes another volume which modestly makes no claim to originality, but which seeks only to take this most important public policy question of our times and bring it up to date. And since most congressmen are too busy (or too lacking in economic literacy) to read the arguments of the academicians, the author has put his message in a most readable,

journalistic style. Oswald Garrison Villard's *Free Trade—Free World* (Robert Schalkenbach Foundation, 1947, pp. x, 278, \$3.00) is the latest attack upon the citadel of the protectionists. Not since David L. Cohn's *Picking America's Pockets* (1936) has the subject been treated with such fluency. The author stresses the necessity for tariff reform in the interest of peace, and as a duty which the United States owes itself. He emphasizes the immoral side of our past tariff policies, the trickery of invisible tariffs and quota restrictions, and the growing revolt among those who are beginning to see the light. He explodes again the myth of the "menace" of cheap foreign labor and other fallacious arguments of the protectionists. He points out that the tariff is "the enemy of our ships," it is the robber of our farmers; and it handicaps our automotive and other industries, which are coming to depend more and more upon foreign markets. Finally, the author concludes that our last chance to save democracy is involved in this matter of freer trade. Unhappily, this volume, like most others dealing with the subject, may be read only by those who need no convincing, and passed over by those who should heed its warning. It should be prescribed reading for congressmen who are concerned with the public welfare.—JOHN DAY LARKIN.

One of the historical studies on war administration is *The History of the Office of the Coördinator of Inter-American Affairs* (United States Government Printing Office, 1947, pp. viii, 284). Printed on large double-column pages, and containing about forty exhibits and illustrations, it makes the appearance of an impressive publication. There has been much discussion of the validity of the CIAA as one of the many alphabetical agencies established at Washington just before and during the Second World War. Whether an additional agency, notwithstanding the Pan-American Union, the Latin American agencies of the Department of State, and other establishments giving attention to that important quarter of the world, was needed remains an undetermined issue. Franklin D. Roosevelt, who in most cases was his own Secretary of State, and who took increasing pride in his "Good Neighbor" policy, frequently implemented his foreign policies by acts and through channels not in keeping with the organization and traditions of formal diplomacy. CIAA seemed essential to our Hemispheric policy, or at least to his conception of it. The student of history will find this to be, in the main, a factual, objective study, and one which must be taken into account in any general consideration of that undertaking loosely called America's "war effort." This is especially true of the "Hemispheric phase" of that effort. Part I deals with "Operations," a rather dull section setting forth the devices, ways and means, services, and techniques of the CIAA. It is the usual dismal account of agency "procedures." Part II, concerned with organization and administration,

treats of function as well, and proves at times a lively discussion not only of what was done, but of why it was done. The account of the agency's philosophy and authority and its relations with cognate United States war agencies is, to the reviewer, the most interesting part of the history. The administrative methods revealed are as intriguing as those of any governmental agency. Instead of a preface or an introduction which really prepares the reader for what is to follow, there is the usual "letter of transmittal" by the chief executive officer and the "letter of presentation" by the immediate executive officer—in this case the Historical Officer of the CIAA. Several pertinent documents are appended. On the whole, this is a fairly valuable work, unfortunately cast in the mold of the inevitable government publication.—CHARLES E. MARTIN.

Much information of varying interest is contained in *The National Policy Committee; Its Story, Its Technique, Cross Country Comment on Labor-Management Relations* (Washington, 1947, pp. 152, \$1.00). Three diverse objectives are sought in this publication. First there is an historical account of the National Policy Committee throughout its brief but stimulating life. Closely linked to this is an equally intriguing description of the technique of organization and operation of the Committee in the later 1930's and early 1940's, as a type of citizen's group with no ostensible axe to grind except that of mutual development of information upon civic issues. Less direct in approach, more loosely knit, is the last of the three parts into which the pamphlet is divided. Here an attempt is made to set forth the course of discussions on labor-management problems in a series of conferences held in various centers across the breadth of the United States. Interesting enough these off-the-record sessions must have been in the flesh and blood of their actuality; as transcribed here with careful anonymity of participants preserved by a coded reference system of identifications, they have a distinct suggestion of never having come off as alleged. Despite this serious shortcoming, this study of the National Policy Committee and its operations has usefulness for the student of civic organizations.—CHARLES W. SHULL.

That *The President and His Staff Services* (Public Administration Service, 1947, pp. 26, \$1.00), by Fritz Morstein Marx, was written for foreign readers is suggested by the statement in the first paragraph that "the President of the United States is his own prime minister." The paper, in fact, was prepared for presentation to the International Institute of the Administrative Sciences (Brussels) by the American Section in preparation for the first postwar Congress in Berne, Switzerland. The pamphlet will prove useful, as well, to American students of government. The author's main purpose is to describe rather than to present his own opin-

ions. After carefully analyzing the status and powers of the President of the United States, he presents a detailed portrayal of the staff facilities, both official and unofficial, on which the President must lean so heavily. More than a third of the pamphlet consists of the texts—with explanatory comments by the author—of executive orders, press releases, and laws relating to the establishment of the Executive Office of the President in 1939 and to the subsequent revisions which have been made in the President's staff services. The information contained in the monograph is not new. But thanks are due to the author and the Public Administration Service for publishing materials which up to now have been available only at scattered sources. The pamphlet should make a happy addition to "outside reading" requirements for college students in general American government or public administration.—M. NELSON McGEARY.

U. S. Naval Logistics in the Second World War (Princeton University Press, 1947, pp. xii, 308, \$3.75), by Duncan S. Ballantine, will add a new word, logistics, to the vocabulary of many people who are not well acquainted with naval or military terminology. Logistics is defined as "the total process by which the resources of a nation—material and human—are mobilized and directed toward the accomplishment of military ends." The book will also add much to our sum total of knowledge of the supply problems faced by a major power in fighting a war several thousand miles from "home." To explain that part of logistics which refers to the Naval operating forces is the purpose of the volume. In many respects, this is a remarkably fine piece of work. It points up the inadequacy of our plans and preparations for war in 1941, particularly as to supplies and transportation. The tendency before World War II was to plan strategy to fight a war, but little emphasis was placed upon the need of supplies to carry on a war. The last war illustrated clearly how our political commitments abroad far exceeded our plans to fulfill these commitments. Much time and effort were expended during the war in further developing logistic plans and coördinating the programs of the War and Navy Departments to carry the struggle to a successful conclusion. The Navy's effort to improve its logistics administration was climaxed in February, 1945, by creation of the Requirements Review Board. This book is a most effective argument in favor of a unified command of the armed forces. If such a unification had existed before the outbreak of World War II, it is fair to conclude that we would have been better prepared to carry out our commitments from the beginning of the conflict. As it was, a program of coördinating the needs of the Army and Navy had to be developed at the same time that we were fighting the war.—CARL M. FRASURE.

Teachers and students of both political science and history will doubtless seize eagerly upon Ruhl Bartlett's fine editing of *The Record of Ameri-*

can Diplomacy (Alfred A. Knopf, 1947, pp. xx, 731, \$6.00). This thorough and well-digested collection makes readily available the basic documentation of American diplomatic history. The general organization is chronological, interspersing geographical areas and topical aspects of foreign relations. Materials range from the treaty of Whitehall (1686) to the Truman Doctrine. Closer to the present, the editor's task naturally became difficult; the last three chapters (The Retreat From Isolation, War-time Diplomacy: 1941-1945, and The United Nations) do not have the placid solidity of their predecessors; they are still too much with us. In the main, however, Mr. Bartlett has chosen well. The last chapter is of necessity incomplete and may convey the wrong impression about recent diplomacy; including the Truman Doctrine under the heading of "The United Nations" evokes at least a faint irony. Parenthetically, it might be suggested that, pedantry aside, a significant line could be drawn between foreign policy and diplomacy. Other criticisms would only be very minor. Someone else might have chosen different selections at various points. Yet the fact remains that Mr. Bartlett has placed us in his debt. His introductions do a neat job of orientation for the student. In addition to the now familiar documents, those more obscure (for example, the Taft-Katsura Agreement and the Polignac Memorandum) are also presented. There can no longer be any excuse for not introducing classes to the landmarks of American diplomacy "in the flesh," so to speak. There is no better way to scrape off the barnacles of myth which cover such items as Washington's Farewell Address.—RICHARD C. SNYDER.

A generation ago, courses in American politics were confined mainly to political parties and electoral problems, with stress on bosses, corruption, and the new instrumentalities of democracy as panaceas. Between wars, the field was broadened by new emphasis on the rôle of pressure groups. A contemporary trend appears to center attention on the nature and uses of power and force. In *Politics, Parties, and Pressure Groups* (Crowell, 2nd ed., 1947, pp. 767, \$4.00), V. O. Key Jr. achieves a balance among the various approaches. After a brief introductory chapter, the book begins with a series on pressure groups. This is a sensible arrangement, for it places proper accentuation on the prime importance of group politics in the American scene. The treatment of the party system is good, avoiding the common pitfall of too detailed description. The chief deficiency of the 1942 edition has been rectified by the addition of a chapter on recent party history. The section on electoral matters is adequate; it could have been improved by more footnote listing of states using the several variations in registration methods, ballots, and election procedures. Even an advanced student must be prepared for duties of citizenship in his own state. Professor Key has done a good job of revision. He brings up to date, expands, and improves the book. The second edition, like the first, is well balanced

and eminently teachable. Not only does he give appropriate attention, in the three main sections of the book, to groups, parties, and electoral problems, but he reserves appropriate space to cover concepts, institutional influences, and politics in legislation and administration. An outstanding book has been made even better.—DEAN E. MCHENRY.

Professor E. Merton Coulter's *The South During Reconstruction, 1865-1877* (Louisiana State University Press and Littlefield Fund for Southern History of the University of Texas, 1947, pp. xii, 426, \$5.00) is the eighth volume of a series sponsored by Louisiana State University and the trustees of the Littlefield Fund and entitled *A History of the South*. In this volume, Professor Coulter, one of the editors of the series, sets out, not simply to deal with the federal government's Reconstruction program and its effects on the South, but to present a comprehensive picture of Southern life and institutions during the Reconstruction era. In achieving this objective, he presents information whose usefulness to students of the South and its problems cannot be gainsaid. Separate chapters, well documented by citations of primary source materials, are devoted to agricultural reorganization, transportation, cities and factories, cultural developments, fashions and recreation, and schools and churches. While the book is not limited to a treatment of the Reconstruction program and its effects on the South, it was perhaps inevitable that this subject should be made a main focal point of the study. Professor Coulter presents no new viewpoint on the advisability or inadvisability of the Reconstruction program as applied to the South. He holds, in effect, that the program resulted from a desire of Northern Radicals to remake the South and the Union in many respects, with no direct relation to the war, and that as applied to the immediate problem of the South the program ignored realities and was a dismal failure. The principal contribution of the author in dealing with the subject of Reconstruction is that of revealing the opinions of the various elements in the population as Reconstruction went through its various phases. The study includes literally hundreds of direct quotations of statements by Southerners in all walks of life. Many of these give expression to the aspirations of Southern white Radicals and Negroes, while many others illustrate the dominant views and ways of life of the larger element of the native whites. The end result is a study of the psychology of the South which helps to explain not only the reactions of Southerners to the various Reconstruction measures, but the generally conservative attitude shown by the dominant white population in later years on social, economic, and political questions.—WALTER H. BENNETT.

By writing *The Government of New Mexico* (University of New Mexico Press, 1947, pp. vi, 330), Thomas C. Donnelly has added a useful volume

to the growing number of governmental studies of individual states. Like most of its companion studies, this volume is intended primarily as a text, but it can be used as a reference work. The major purpose circumscribes the work and its style to some degree and, as a result, the presentation is that which we have come to expect of such studies. The constitution is examined, the electoral process is explored, and the machinery of government is described. Thereafter, Professor Donnelly gives special attention to the state educational system, to questions of public finance, and to state-federal relations as exemplified in a case study of New Mexico soil-conservation problems. A chapter each is given to municipal and county governments. The volume is clearly and intelligently written and, incidentally, quite handsomely printed. One must admit, I think, that, in general, state government books of this type tend to be somewhat less sparkling than one might desire. Authors of such volumes cannot be expected, of course, to produce writing as entertaining as theater criticism, but something should be done to raise the level of interest beyond that usually attained. The reviewer says this with considerable misgivings, because he does not know how this is to be done. For one thing, somewhat more attention might be given to state politics as the spirit animating the body disclosed in the text. Professor Donnelly has, in fact, written a bit more of this than some of his brother authors have done. He has noted, for example, at various points, the part played by racial differences in the state, and at some points he has noted the existence of rural-urban conflicts. Furthermore, his choice of a case study in conservation is a happy means of pointing up federal-state affairs. In addition, I know of no other book on state government which quotes Bill Nye. Finally, one may note that Professor Donnelly is not averse to suggesting flaws in the state's governmental system, even though his primary purpose appears to be description rather than criticism.—LEE S. GREENE.

Continued interest in the "dark continent of American politics" has brought forth a new book in this area. Albert Ogden Porter's *County Government in Virginia* (Columbia University Press, 1947, pp. 356, \$4.00) is not, as its title implies, a study of present-day county government in Virginia. It is more accurately described by its subtitle, "A Legislative History, 1607-1904." Treatment of the development of county government in the colony and state is chronological and encyclopedic. Chapters deal with developments during early settlement, the eighteenth century, the Revolution, the two halves of the nineteenth century, and the constitutional convention of 1901-02. Discussion frequently runs to great detail, and analysis, in the political scientist's view, is not profound. The date 1904 is selected as terminal because in that year the new constitution became effective. Since that time, little change has been effected in county

government in Virginia. In point of fact, the study concludes that Virginia county government has seen little directed growth since 1607. One is impressed with the error in our bland assumption nowadays that the forms of county government are outmoded. The truth would rather seem to be that the traditional system of county governmental organization was no better designed for 1800 than for today.—JOSEPH M. RAY.

INTERNATIONAL LAW AND RELATIONS

Walter Lippmann's *The Cold War* (Harper, 1947, pp. 62, \$1.00) is an attack upon certain conclusions set forth by "X" in a rather recent *Foreign Affairs* article entitled "The Sources of Soviet Conduct." The disagreement between the two writers is far from total. Lippmann ignores most of X's analysis and explicitly concedes that "Soviet power will expand unless it is prevented from expanding because it is confronted with power, primarily American power, that it must respect." His attack concerns the implementation of a policy of "firm containment" which, according to X, requires "the adroit and vigilant application of counter-force at a series of constantly shifting geographical points," i.e., "at every point where [the Russians] show signs of encroaching upon the interests of a peaceful and stable world." Lippmann associates this proposition with the Truman Doctrine and condemns both. He contends that this method of achieving containment is unworkable, not only because of the character of our government, our economy, and our military force and genius, but also because of the unsatisfactory nature of the allies on the borders of the Soviet Union with whom (he assumes) X would form a coalition. What, then, does Lippmann propose? He suggests that America concentrate its force and be prepared "to strike the vital centers of Russia by air and by amphibious assault" so as "to hold the whole Russian military machine in check" and so as to give weight to demands for a peace settlement which would require the withdrawal of the various armies to home territory. After withdrawal, re-entry of the Red Army into Europe "would precipitate general war." (Incidentally, Lippmann assumes that such re-entry would be "invasion, . . . aggression," ignoring the fact that re-entry on request would be quite legal.) He approves the Marshall Plan, purged of the Truman Doctrine. If X really meant, as Lippmann assumes, that American armed force should be divided into flying columns that would be dispatched to every border region of Russia where a crisis seems to impend, he deserves Lippmann's criticism. And if Lippmann really means that we should concentrate our power completely, offering no military aid of any sort to any threatened country, he deserves criticism himself. Neither position is a sound one—and it must be said that Lippmann takes the unsound position more clearly than does X, for the latter's formula for the use of American power is vague. The concentration of American

force is clearly essential, but a warning to Russia in the form of the diversion of small military units and minor quantities of *matériel* to such countries as Greece and Turkey might well make unnecessary the direct assault on the Soviet Union of which Lippmann speaks. Lippmann's book is made up of hastily written newspaper articles, inadequately revised and integrated.—VERNON VAN DYKE.

A widely varying public should welcome the re-publication of twenty-nine outstanding articles which appeared first in the internationally known quarterly *Foreign Affairs*. Under the title, *The Foreign Affairs Reader* (Harper, 1947, pp. viii, 492, \$5.00), Hamilton Fish Armstrong has edited these articles and added his own brief but suggestive introductory notes. Celebrating twenty-five years of the highest publishing standards in the field, the cream of one thousand articles is presented at an opportune moment. It is amazing how well these essays have stood the test of time; nearly all of them have a valuable thought on our present perplexities. Figures of genuine stature—Willkie, MacKinder, Stimson, Dulles, Bowman, and Laski—are represented, yet the editor has not made the mistake of confining his selections to those under the pen of "big names." No specific criteria of selection or pattern of organization is immediately apparent, but this hardly diminishes the usefulness of the collection; convenient mobilization of supplementary reading materials in American foreign relations is a blessing, whatever its form, in a day of hectic library conditions. The articles are, however, pointed toward what the book's jacket describes as "the paramount American problem—the education of the people of a democracy for the successful conduct of foreign relations." To read again Elihu Root's now classic "A Requisite for the Success of Popular Diplomacy" is alone worth the price of admission. Included also is the gospel on Soviet conduct according to "Mr. X."—RICHARD SNYDER.

Professors B. U. Ratchford and William D. Ross, of the economics department of Duke University, each spent approximately six months during the period August, 1945–June, 1946, in Germany as American reparations representatives. They have embodied in *Berlin Reparations Assignment: Round One of the German Peace Settlement* (University of North Carolina Press, 1947, pp. xii, 259, \$3.50), a fairly detailed account of their experiences in their special field as well as some general comments on military government. Approximately fifty pages of documentary material are included. Reparations is obviously a field of great importance; yet the United States has given surprisingly little careful attention to it. Mr. Pauley displayed almost utter incompetence; the provision made after his departure from Germany was sketchy; and General Clay embarked on highly complicated and important negotiations with the other

Allies with little knowledge and a disposition to ignore what facts were before him. This book is therefore of much interest to students of the German situation. The most valuable sections are those which detail the authors' own experiences in Berlin. The chapters dealing with the Level of Industry Committee, the Economics Directorate, and the negotiations with the other Allies, especially the Soviet Union, are significant contributions. The general chapters which discuss military government are always interesting, but not always accurate in details. The first chapter seems an unfortunate selection for starting the book, because it suggests casual journalism and belies the really substantial character of the body of the volume. Conditions in Berlin were certainly not normal in 1945-46, but it seems somewhat naive to use the adjective "fantastic" so frequently in describing them. The reviewer is intrigued by the complaint that as civilians the authors fared so badly in comparison with Army people, since he vividly recalls the bitter complaints from Army personnel that civilians received better billets, transportation, more generous financial rewards, and greater freedom in getting a job done. Apparently the old adage that the other side of the fence looks greener applies to military government in Germany.—HAROLD ZINK.

The British Commonwealth and World Society (Oxford University Press, 1947, pp. xii, 204, \$4.25), edited by Richard Frost, is the title given to the published proceedings of the third unofficial conference on British Commonwealth relations held in London during February, 1945. Sponsored by the Royal Institute of International Affairs and its affiliated bodies, the conference included delegations from Britain, Australia, Burma, Canada, India, New Zealand, South Africa, and Southern Rhodesia. The members attended in their individual capacities and were not the representatives of governments. Their discussions, buttressed by memoranda and reports, were devoted to the theme of the British Commonwealth's relation to the new world order—a matter of great urgency since the European war was then drawing to a close and the San Francisco Conference was about to convene. From the general consensus of the reports and discussions, summarized in this able and useful survey, it appears clearly that one major problem was uppermost in the minds of the conferees. Assuming both that coöperation within the British Commonwealth was to continue and that membership in a new international organization was desirable, how could the one be reconciled with the other? If relations within the Commonwealth were to persist, and were even to be strengthened, might these not constitute from the standpoint of the United Nations an *imperium in imperio*? If loyalty to the new agency were to override all else, would not the unity of the Commonwealth be impaired? Such perplexities were reinforced by the conflict between an idealism that sought in a League re-

born the primary defense against future aggressors, and a realism that, remembering the fate of the earlier League, demanded extra insurance against a breakdown. In short, as might be expected, since nothing in the world could be predicted for certain, most delegates hoped to have the best of both worlds. Idealism was displayed perhaps most fruitfully in the discussions of economic coöperation, whilst realism was more heavily emphasized in the fields of defense, racial policy, and migration. Much has happened, however, since the conference was held to outdate certain of its assumptions, e.g., the new status of India, Burma, and Palestine. The present split between the group of nations headed by the United States and that led by the Soviet Union was then but darkly conceived as a possibly contingency. But there was overwhelming agreement that the close coöperation between the United States and the British Commonwealth (both as a unit and as a plurality) must be stoutly maintained.—LESLIE LIPSON.

The *Yearbook of the United Nations, 1946-47* (Department of Public Information: United Nations, Lake Success, N. Y., 1947, pp. 991, \$10.00), is a valuable document now because of the difficulty the United Nations is experiencing in making its materials available to the public. Published in November, 1947, it summarizes United Nations activities to July 1, 1947. It tells a connected story of each activity for the general reader primarily, but with important documents abstracted or reproduced. Scholars will find the World Peace Foundation's *International Organization* a better detailed guide to the documentation, but less advanced students will find the *Yearbook* a godsend. Aside from its narrative character, it is a convenient reference source for such texts as the provisional rules of procedure of the UN organizations; resolutions of the General Assembly on the Administrative Organization of the Secretariat and Provisional Staff Regulations; the recommended General Convention on Privileges and Immunities of the United Nations; the report of the Military Staff committee on the General Principles Governing the Armed Forces Made Available to the Security Council by Member Nations; the Rules of Court of the International Court of Justice; and the constituent instruments of many of the specialized agencies. No adequate text or abstract is included of the Provisional Questionnaire to be Submitted to Administering Authorities by the Trusteeship Council. There are some interesting lists, e.g., of territories regarded by governments as being non-self-governing; of nations accepting the obligatory jurisdiction of the International Court of Justice; and of the Provisional Scale of Advances to be made to the Working Capital Fund by Members. Appendices include a roster of the UN, a table of membership of the UN and the specialized agencies, a chronology of the UN, a selected bibliography, a who's who of the UN, and an index

one wishes were fuller. On the whole, the *Yearbook* is a good job, steering a middle course between technical detail and popularization. It should contribute substantially to wider understanding of the United Nations.—LLEWELLYN PFANKUCHEN.

POLITICAL THEORY AND MISCELLANEOUS

The demobilization award granted by the Social Science Research Council is amply justified by Ralph H. Bowen's *German Theories of the Corporative State* (McGraw-Hill, 1947, pp. viii, 235, \$2.75), which draws heavily upon German and other foreign sources for a subject largely neglected in English, but on which the author furnishes an admirably organized bibliography that includes a few English translations and original titles. Unfortunately, the index is inadequate and the frequent use of untranslated German terms lessens the clarity of the text. Especially in times of political crisis and social tension, German thinkers have turned to corporatism, which regards the state as a natural organism whose members are "corporations," i.e., subsidiary collective entities. State monism, atomistic individualism, and rationalistic materialism have been rejected, and Jacobinism, Manchesterism, and Marxism alike abhorred. The romantic corporatism of the Napoleonic era idealized the estates and guilds of the old régime, but between 1870 and 1919 all three main types of corporatist doctrine proposed new occupational associations to check the over-production, pauperization, and class conflict of the new industrial age. Under Bishop Ketteler, Social Catholicism pioneered in the new corporatism; but after the cessation of the Kulturkampf, Hitze, the chief elaborator of the doctrine, abandoned corporatism for a program of amelioration through social legislation. Monarchical socialism, led by Schäffle, Wagner, and Stoecker, urged the state to institute corporations as a bulwark against universal suffrage; but Bismarck utterly failed in his attempt to establish a national economic council that should eventually supplement or supersede the Reichstag. The German collective economy of Rathenau and Moellendorff drew its inspiration from the war cartels that had averted economic collapse in 1914, but the postwar cabinet emphatically rejected a plan for a peacetime structure of federated cartels. The national economic council of the Weimar constitution was inconsequential, while the "corporations" of the Nazi régime were mere tools of absolutism.—MARGARET SPAHR.

The central concept of *The New Slavery* (Doubleday and Co., 1947, pp. xi, 271, \$3.50), by Hoffman Nickerson, might well have in its pedigree "sired by Hayek out of Dallin." If one looked more closely into the blood line, he might also find traces of Hilaire Belloc, Houston Stewart Chamberlain, and, undoubtedly, Hoffman Nickerson himself. It is Nickerson's

belief that the modern trend toward social legislation leads to state serfdom. In the Soviet Union, this trend has reached its highest development. We, too, may reach such an end, he believes, if we do not transform the welfare state into a state based on small property-holders. Soviet forced labor is given the major space, but future American social policy is the focus of Nickerson's thinking. One would hesitate to recommend this work as a study of Soviet forced labor. Its conclusions are as sound as the sources. The author has apparently been influenced by Dallin's earlier works, but may not have seen Dallin and Nicolaevsky's *Forced Labor in Soviet Russia*. He has also found much of his data in the usual sources: Kravchenko, the Duchess of Atholl, Krivitsky, and Ciliga. Nickerson adds nothing and, in fact, takes much away by a hasty and uncritical summary of the sources. Nor can his adumbration of Hayek's *Road to Serfdom* be commended. Hayek has been better summarized and abridged elsewhere. To be sure, Nickerson goes somewhat further than Hayek in his projection of the evils of the welfare state, but his presentation is jejune. If one must have Hayek, one should take him straight. The two major influences in Nickerson's drama of society gone wayward are Marxian socialism, which stimulated the Bismarckian social reforms, and the October Revolution. Although he attacks anti-Semitism, the author finds in the Jewish racial ethos a major source of those influences. He takes great pains to look for Jews under every ideological bed and makes certain that anyone who is or might be a Jew is so labelled. *The New Slavery* is not, in this reviewer's opinion, an addition to political or social literature.—SIDNEY HARCARE.

That growing body of persons interested in and responsible for the activities of the hundreds of organizations and committees working to reduce intergroup hostilities will be well-advised if they pause long enough to read and study Robin M. Williams' *The Reduction of Intergroup Tensions; A Survey of Research on Problems of Ethnic, Racial, and Religious Group Relations* (Social Science Research Council, no date, pp. x, 153, \$1.75). This exceptionally helpful monograph was inspired by a recognition of the need that "practical techniques for the non-violent integrative solution of conflicts in the world community be devised and put into practice if democratic societies are to continue." The author undertakes an appraisal of current programs. The open-minded reader will be disturbed by the ineffectualness of much that is being sponsored by well-intentioned sentimentalists operating in the field. An equally useful chapter examines the growing literature on intergroup relations to the end of summarizing 101 current hypotheses which "constitute a reasonably solid base of reference from which future research may depart." The author then devotes a chapter to listing a variety of practical research projects suited to the

resources of organizations of varying character. Among these suggested studies are those which would be historical, comparative, and genetic in their content; those which would appraise the effects of information, education, and propaganda designed to affect intergroup relations; the effects of personal contact, legal enactments, law-enforcement activities, and political "pressure" tactics, as well as studies seeking to evaluate social organization and programs for reducing general tension. A final chapter on "Research Approaches and Techniques," while warning anew that "for many problems of the social and biological sciences pure experiments are impossible," indicates various control factors which will help the researcher approximate laboratory conditions.—RAYMOND C. MCKELVEY.

The "Fundamental American Principles Series on Religion" is published under the auspices of the National Foundation for Education in American Citizenship. It is edited by Frank J. Klingberg, professor of history, University of California, and Franklin L. Burdette, professor of government and politics, University of Maryland. One of the essays in the series is Evarts B. Greene's *Church and State* (National Foundation Press, 1947, pp. vi, 48, \$1.00). After discussing the established churches of the colonial period and tracing the separation of church and state during and after the Revolution, the author shows that separation has remained incomplete in some respects. He concludes that in certain fields—such as education—church and state continue to have "overlapping and to some extent conflicting claims on the loyalty of individuals," but that "serious conflicts have generally been avoided hitherto by a willingness on the part of both to accept practical adjustments." Less well balanced is Frank J. Klingberg's *A Free Church in a Free State—America's Unique Contribution* (National Foundation Press, 1947, pp. vii, 66, \$1.00). This essay is almost exclusively an historical narrative. The occasional analytical comments show the author's preoccupation with the achievements of the church and his inclination to give excessive credit to the church for certain national and social achievements. Both of these books are quite elementary and are written in a lucid style, though that of Professor Klingberg might have been improved in spots by more careful editing. The essays may help laymen to see former practices and arrangements in clearer perspective. It is taking too much for granted, however, when it is assumed that their recital alone will convey the full significance of religious freedom, among other liberties, to generations that have not experienced its denial.—HENRY JANZEN.

Economics of Public Finance (Prentice-Hall, 1947, pp. 535, \$5.25), by Edward D. Allen and O. H. Brownlee, expresses the growing philosophy that government fiscal policy is, and should be employed as, an instru-

ment for economic and social control. The "balanced budget" philosophy of public finance is discarded. Government finance is viewed as a means of promoting full employment, obtaining equity in income distribution, and improving the use and allocation of economic resources. The first sections of the book examine the relationship of public finance and full employment, and indicate the importance of fiscal policy in respect to inflationary and deflationary movements in the economy. The fiscal techniques available to the government and their potency to minimize inflationary and deflationary movements are explored. The authors believe in "varying tax collections as the first line of defense against depression or inflation," and view public works as a supplementary program to fight depression—"public works should . . . be classed as a reserve in any anti-depression scheme." Another section of the book (Part III) concerns itself with the effects of fiscal policies upon income distribution and resource allocation. Obtaining greater equity in income distribution should be a goal of fiscal policy, as should be the minimizing of interference with the allocation of economic resources. The next major section is concerned with public revenues and public borrowing. The various types of taxes employed are analyzed, and there is a full discussion of their points of strength and weakness, viewed in the light of their contribution or lack of contribution to the economic goals set forth above. The authors conclude that "major revisions in tax structure will be required if taxation is to make a substantial contribution toward achieving our stated objectives of fiscal policy in the future." Borrowing is appraised as a fiscal device, and problems of debt management are given consideration. The last section deals with the problems of intergovernmental fiscal coordination. The contribution of this volume lies in its synthesis of much that has been written in recent years on the relationship between government fiscal policy and the successful functioning of our economy.—NATHAN L. SILVERSTEIN.

Fundamentals of Labor Economics (New York: Declan S. McMullen Co., 1947, pp. 464, \$4.00), by Friedrich Baerwald, is a comparatively short, simplified, readable text. About half of the book deals with economic considerations; the remainder treats chiefly federal statutes relating to social welfare and labor legislation. Brought clearly into focus are such timely matters as money and real wages, wage theories, proposals for maintaining full employment, the Federal Employment Act of 1946, the Wagner-Murray bill, the Beveridge Plan, and the Labor Management Act of 1947. The prevailing tone is objective, but the author commits himself on many of the most controversial questions of the hour. He favors federal, as opposed to state, operation of employment services, a positive government policy of encouraging population growth, of expanding foreign investments, of maintaining full employment, and of expanding social

insurance. At the same time, he is against regimentation, the closed shop, and merit-rating unemployment compensation plans. He views with favor the Railway Labor Act and the Taft-Hartley measure. There is no discussion of constitutional issues or administrative problems. A final chapter reviews hurriedly the international aspects of trade unionism and ends with the suggestion that "the future of democracy is closely bound with our ability to solve present-day labor problems in a democratic fashion." This book will be stimulating and informative to the serious general reader, and especially in introductory college courses where an integration of labor economics and legislation is possible and desirable.—JOHN H. FERGUSON.

Under the title, *The Coming of the French Revolution* (Princeton University Press, 1947, pp. xx, 233, \$3.00), R. R. Palmer has for the first time made available in English a work of Georges Lefebvre, whom he presents as the most distinguished living authority on the French Revolution. As *Quatre-vingt-neuf*, the present semi-popular study appeared in 1939 to celebrate the revolutionary sesquicentennial and was subsequently suppressed by the Vichy régime. This reviewer has been especially impressed by the sections on the aristocratic revolution and the rights of man and citizen. It was the nobility (in the law courts and the provincial estates) and the clergy (in assembly) that defied royal edicts and demanded the Estates-General, thus paralyzing the royal authority and paving the way for the bourgeois, popular, and peasant revolutions. Far from being too philosophical, the Declaration of the Rights of Man and Citizen was very "historical." That sovereignty belongs to the nation was an assertion that France was no longer the property of the king; that citizens are equal before the law denied the existence of privileged orders; since the right of private property was unquestioned by the Old Régime, the Declaration neglected to define or justify it.—MARGARET SPAHR.

The Classics Club Library has done an excellent service in making three of John Locke's works available within the covers of a single volume—*John Locke, On Politics and Education, with an Introduction by Howard R. Penniman* (New York: Walter J. Black, Inc., 1947). Included are *The Second Treatise on Government*, *A Letter Concerning Toleration*, and *Some Thoughts Concerning Education*. Mr. Penniman has written an excellent introduction to the book as a whole as well as a brief preface to each selection. All of these are short, but that is as it should be, for this is a volume of Locke and not a book about Locke. There is no need to recapitulate here the basic argument of the *Second Treatise* or even the *Letter Concerning Toleration*. The surest measure of Locke's greatness is that his ideas in the area of political thought are now commonplace—indigenous parts of our common ethos. But Locke on education is not so familiar, to po-

litical scientists at least, and an evening or two spent with him there is apt to prove highly instructive. Here the essential character of Locke reveals itself—common sense raised to the point of genius, or genius in the guise of common sense. One will be amused by his strictures against the eating of fruit by children, and educational progressives will be comforted by the vigor with which he belabors the sterile formalism of the education of his day. Apparently academic conservatism is not a disease of the twentieth century alone, and it is pleasant to know that the giants of the past struggled, too, against inert tradition.—HILDON GIBSON.

American Society and the Changing World (F. S. Crofts and Co., 2nd ed., 1947, pp. 673, \$4.00), by C. H. Pegg and others, should be of interest to political scientists concerned with general education. The outgrowth of an introductory interdepartmental course at the University of North Carolina, it integrates the several specialized disciplines in an eclectic presentation of problems of American society. The authors believe that "the problems of American society are so powerfully conditioned by the facts and forces of world life that they cannot be realistically treated except in terms of what is happening in Europe, the Far East, and Latin America." Hence nearly a third of the book is given over to brief descriptive chapters on the political and economic systems of the major powers of the international community. The book is set within an historical frame of reference, particularly the years between 1919 and 1947, stressing the interdependence of peoples in the contemporary international scene. In the main, it is a systematic organization of factual data, though there is an effort to provoke social attitudes and critical thinking on the part of student readers. In this second edition, there has been revision for current events in every chapter, with the addition of recent bibliography. The materials on international relations have been thoroughly reworked and expanded to cover postwar issues. Because of ambitiously attempting to picture the whole range of the contemporary social scene, the total effect seems lacking in focus and somewhat blurred by superficiality. Yet the book is one of the most comprehensive texts as yet available in the social science area of general education.—MARIAN D. IRISH.

In the *Lexikon der Politik—Politische Begriffe, Namen, Systeme, Gedanken, und Probleme aller Länder* (Berne: A. Francke A G Verlag, 1947, pp. 508, S fr. 12), Walter Theimer sketches a broad political picture of the world as it existed at the beginning of the year 1947. The tremendous changes that took place during the preceding years motivated the preparation of this compact work, which demonstrates the results of scholarly and exhaustive research, coupled with keen observation and with impressive systematization. It furnishes in alphabetical order a handy

manual of political conceptions, problems, movements, and catchwords of the entire world. It is not only an invaluable reference book, but also fascinating reading, containing descriptions of practically all countries of the world according to their latest status, including their constitutions, their political parties, their special tendencies, and their problems. The book is intended to be a lexicon of international politics and not of politicians; the latter are included only if involved in important current world affairs. However, an exception is made for the most important political thinkers of all times and of all peoples. "Everything of significance in politics has been thought of in earlier times," and the author urges that whoever wishes to understand the current trends in this field "get acquainted with the older thinkers." Between these covers, the author not only furnishes the newspaper reader with a telescoped perspective of world affairs from A to Z (*ABC Staaten to Zypern*), but offers valuable analyses to the more intensive student desiring to probe deeper into the science of politics.—CHARLES KRUSZEWSKI.

RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

MULFORD Q. SIBLEY

AND

MARJORIE H. SIBLEY

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books and Pamphlets

Abrams, Frank W. The stake of business in American education. Pp. 9. N.Y.: Standard Oil Co. (New Jersey). 1947.

Ackerman, Joseph, and Harris, Marshall, eds. Family farm policy. Pp. 540. Chicago: Univ. of Chicago Press, 1947.

Bartholomew, Paul C. American government under the constitution. Pp. 309. Dubuque (Ia.): W. C. Brown. 1947.

Benes, Robert J., and Others. Problems in price control; pricing techniques. Pp. 286. Washington: U. S. Govt. Print. Off. 1947.

Binkley, Wilfred. The president and congress. Pp. 336. N.Y.: Knopf. 1947.

Carlson, Theodore, and Others. Illinois; government and institutions. Pp. 192. Boston: Allyn & Bacon. 1947.

Carr, Robert K. Federal protection of civil rights; quest for a sword. Pp. 284. Ithaca (N.Y.): Cornell Univ. Press. 1947.

Committee on Public Debt Policy. Our national debt and our savings. Pp. 20. N.Y.: Com. on Pub. Debt Policy, 26 Liberty St. 1947.

Creamer, Daniel. The net income of the Puerto Rican economy, 1940-1944. Pp. 96. Rio Piedras: Soc. Sci. Research Center, Univ. of Puerto Rico. 1947.

Currie, Brainerd, ed. The patent system (Law and Contemporary Problems, vol. XII, no. 4). Pp. 809. Durham (N.C.): Duke Univ. School of Law. 1947.

DeSchweinitz, Karl. People and process in social security. Pp. 176. Washington: Am. Council on Educ. 1948.

Donnelly, Thomas C. The government of New Mexico. Pp. 330. Albuquerque: Univ. of N. Mex. 1947.

Einstein, Albert, Fisher, Dorothy Canfield, and Others. The militarization of America. Pp. 32. Washington: Nat. Coun. Against Conscription, 1013 18th St. 1947.

Fairchild, Henry P. Race and nationality as factors in American life. Pp. 224. N.Y.: Ronald. 1947.

Fellner, William J. Monetary policies and full employment; 2nd ed. Pp. 260. Berkeley: Univ. of Calif. Press 1947.

Hartnett, Robert C. Equal rights for children [public aid for religious schools]. Pp. 40. N.Y.: America Press, 70 E. 45th St. 1947.

Johnsen, Julia E., comp. Compulsory federal arbitration of labor disputes. Pp. 316. N.Y.: H. W. Wilson. 1947.

Key, Valdimir O. Politics, parties, and pressure groups; 2nd ed. Pp. 767. N.Y.: T. Y. Crowell. 1947.

Lang, Frank. Workmen's compensation insurance; monopoly or free competition. Pp. 253. Chicago: Richard D. Irwin. 1947.

Lehman, Herbert H. Public papers of Herbert H. Lehman, forty-ninth governor of the state of New York. Pp. 781. Albany: Williams Press 1946.

Long, Herman H., and Johnson, Charles S. People vs. property; race restrictive covenants in housing. Pp. 116. Nashville: Fisk Univ. Press 1947.

McLean, Joseph E. William Rufus Day, supreme court justice from Ohio. Pp. 172. Baltimore: Johns Hopkins Press. 1947.

Montgomery, Robert H., and Wynn, James O. Montgomery's federal taxes—estates, trusts, and gifts, 1947–48. Pp. 1063. N.Y.: Ronald. 1947.

Nelson, Margaret V. A study of judicial review in Virginia, 1789–1928. Pp. 249. N.Y.: Columbia Univ. Press. 1947.

Tompkins, Dorothy C. The crime problem in California; a selected bibliography. Pp. 16. Berkeley: Bur. of Pub. Admin., Univ. of Calif. 1947.

Weeks, Oliver D. Research in the American state legislative process; need, scope, methods, suggested problems. Pp. 50. Ann Arbor (Mich.): J. W. Edwards. 1947.

Articles

Administrative Law. State administrative procedure. *L. J. Emmerglick.* Jour. of Am. Judicature Soc. Oct., 1947.

———. 1946–47 survey of New York law: administrative law. *Arthur T. Vanderbilt.* N.Y.: Univ. Law Quar. Rev. Oct., 1947.

———. Administrative procedure act; judicial review “hotchpot?” *S. W. Shine.* Georgetown Law Jour. Nov., 1947.

———. How courts interpret regulations. *Frank C. Newman.* Calif. Law Rev. Dec., 1947.

———. Judicial review of administrative adjudication; some recent decisions of the New York court of appeals. *R. M. Benjamin.* Columbia Law Rev. Jan., 1948.

Aëronautics. Federal regulation of aviation. *Frederick A. Ballard.* Harvard Law Rev. Oct., 1947.

———. A brief survey of aviation case law in Wisconsin. *Souel O. Arnold.* Marquette Law Rev. Dec., 1947.

———. Compulsory interchange of aircraft between connecting air carriers. *H. C. Westwood and E. W. Jennes.* Va. Law Rev. Jan., 1948.

———. Surface carrier participation in air transportation under the civil aëronautics act. *E. J. Hickey, Jr.* Georgetown Law Jour. Jan., 1948.

Alaska. The state of Alaska. *Richard L. Neuberger.* Survey Graphic. Feb., 1948.

Army and Navy. Forging the United States army in World War II into a combined arms team. *K. R. Greenfield.* Miss. Valley Hist. Rev. Dec., 1947.

Bar. Ethical and social problems of the lawyer. *R. W. Carey.* Jour. of Am. Judicature Soc. Dec., 1947.

———. On the teaching of “legislation.” *Julius Cohen.* Columbia Law Rev. Dec., 1947.

———. Legal education—some predictions. *Elliott E. Cheatham.* Texas Law Rev. Dec., 1947.

Business. Exemptions from registration under the securities act of 1933. *Leland E. Modesitt.* Neb. Law Rev. Nov., 1947.

———. Substantive regulation of security devices under the bankruptcy power. *Charles Martin.* Columbia Law Rev. Jan., 1948.

———. Validity under the Robinson-Patman act of a uniform delivered price of one seller. *W. B. Wooden.* Minn. Law Rev. Jan., 1948.

Civil Liberties. Report on a report of the House Committee on Un-American activities. *Walter Gellhorn.* Harvard Law Rev. Oct., 1947.

———. Equitable protection of personal or individual rights. *W. Q. deFuniak.* Ky. Law Jour. Nov., 1947.

———. Establishment of religion [school bus decision]. *D. D. Stark*. So. Calif. Law Rev. Dec., 1947.

———. Public opinion and civil liberties in wartime, 1917-1919. *O. A. Hilton*. Southwestern Soc. Sci. Quar. Dec., 1947.

Civil Service. 1946-47 survey of New York law: civil service. *H. Eliot Kaplan*. N.Y. Univ. Law Quar. Rev. Oct., 1947.

Communism. The communist record in Hollywood. *Oliver Carlson*. Am. Mercury Feb., 1948.

Congress. Coöperation or conflict?—the president's relationships with an opposition congress. *James Rowe, Jr.* Georgetown Law Jour. Nov., 1947.

———. Reorganizing congress. *David C. Coyle*. Va. Quar. Rev. Winter, 1948.

Conservation. Pooling and unitization of oil and gas leases. *A. A. King*. Mich. Law Rev. Jan., 1948.

Constitutional Law. 1946-47 survey of New York law.: constitutional law. *Alison Reppy*. N.Y. Univ. Law Quar. Rev. Oct., 1947.

———. Full faith and credit: the lawyer's clause. *R. E. Childs*. Ky. Law Jour. Nov., 1947.

———. The constitutionality of retroactive legislation—the portal-to-portal act of 1947. *G. E. Cotter*. Va. Law Rev. Jan., 1948.

———. The full faith and credit clause: collateral attack of jurisdictional issues. *Baddia J. Rashid*. Georgetown Law Jour. Jan., 1948.

Constitutions. The need for constitutional revision in Louisiana. *Kimbrough Owen*. La. Law Rev. Nov., 1947.

———. The constitution-making process. *J. E. Reeves*. Ky. Law Jour. Nov., 1947.

———. A new constitution for New Jersey. *B. M. Rich*. Am. Pol. Sci. Rev. Dec., 1947.

———. The American constitution; its establishment and purposes. *Walter B. Jones*. Alabama Lawyer. Jan., 1948.

Criminal Law. 1946-47 survey of New York law: criminal law and procedure. *J. Walter McKenna*. N.Y. Univ. Law Quar. Rev. Oct., 1947.

———. Time intervals in criminal appeals in the Michigan supreme court. *Russell E. Bowers, Jr.* Mich. State Bar Jour. Feb., 1948.

Education. The Soviet Union in American school textbooks. *R. W. Burkhardt*. Pub. Opin. Quar. Winter, 1947-48.

———. Our record of educational achievement. *Newton Edwards*. The state is responsible. *A. G. Grace*. Education in 1948. *L. D. Haskew*. For federal aid to education. *Frank N. Freeman*. Against federal aid to education. *C. H. Chatters*. Education and the American ideal of opportunity. *R. J. Havighurst*. State Govt. Jan., 1948.

———. Can the private schools survive? *Russell Lynes*. Harper's. Jan., 1948.

Federalism. "Coöperative federalism" again: state and municipal legislation penalizing violation of existing and future federal requirements, part II. *Samuel Mermin*. Yale Law Jour. Dec., 1947.

Foreign Policy. European recovery program; problems and prospects. *H. H. Hutcheson*. For. Policy Rep. Dec. 15, 1947.

———. U. S. foreign policy and the balance of power. *Robert Strausz-Hupé*. Rev. of Pol. Jan., 1948.

———. Why labor supports the Marshall plan. *George Meany*. Am. Federationist. Jan., 1948.

———. The case for aid to China. *P. M. A. Linebarger*. Far East Survey. Feb. 11, 1948.

Foreign Trade. The Webb-Pomerene law; a consensus report. *T. C. Schelling*. *Am. Econ. Rev.* Dec., 1947.

———. Working our dollars abroad. *Everett M. Dirksen*. *Atlantic*. Feb., 1948.

Government Liability. The tort claims act—the federal government assumes liability in tort. *E. J. Jackson*. *Neb. Law Rev.* Nov., 1947.

———. The federal tort claims act. *F. G. Hudson*. *Tulane Law Rev.* Dec., 1947.

Housing. 1946–47 survey of New York law: public housing planning and conservation. *Herman D. Hillman*. *N.Y. Univ. Law Quar. Rev.* Oct., 1947.

———. The federal housing and rent act of 1947. *J. W. Willis*. *Columbia Law Rev.* Nov., 1947.

———. Racial restrictive covenants. *James S. Roberts*. *Sociology and Social Research*. Nov.–Dec., 1947.

Immigration. Should congress admit 400,000 DP's outside of U. S. immigration quotas? Pro and con. *Symposium*. *Cong. Digest*. Jan., 1948.

Inflation. The coming wage-price spiral. *Stephen Raushenbush*. *Harper's*. Jan., 1948.

Judiciary. A challenge for unremitting activity for reform of lower courts. *Joseph R. Curl*. *W. Va. Law Quar.* June, 1947.

———. The United States supreme court: 1946–47. *John P. Frank*. *The Illinois constitution and the courts*. *S. W. Witwer, Jr.* A study of the Illinois supreme court. *Editors*. *Univ. of Chicago Law Rev.* Autumn, 1947.

———. Why veto jury verdicts? *William Haralson*. *Jour. of Am. Judicature Soc.* Oct., 1947.

———. The courts in a democracy. *Harold C. Havighurst*. *Ill. Law Rev.* Nov.–Dec., 1947.

———. Integration of the bar and judicial responsibility. *M. E. Pirsig*. *Minn. Law Rev.* Dec., 1947.

———. Four years of the rules on appeal [California]. *B. E. Witkin*. *Calif. Law Rev.* Dec., 1947.

———. General sessions courts in Tennessee. *H. N. Williams*. *Judicial statistics of state courts*. *Will Shafroth*. *Jour. of Am. Judicature Soc.* Dec., 1947.

———. Ten years of the supreme court, 1937–1947. *Robert E. Cushman*, ed. *Federalism*. *David Fellman*. Separation and delegation of powers. *Oliver P. Field*. The power to regulate commerce. *V. M. Barnett, Jr.* *Am. Pol. Sci. Rev.* Dec., 1947.

———. Justice Holmes and a liberal court. *C. Herman Pritchett*. *Va. Quar. Rev.* Winter, 1948.

Labor. Restrictive state labor relations acts. *C. C. Killingsworth*. Construction of a collective bargaining agreement. *W. H. Spohn*. *Wis. Law Rev.* July, 1947.

———. The Taft-Hartley law. *W. H. Parr, Jr.* *Ind. Law Jour.* Oct., 1947.

———. 1946–47 survey of New York law: labor law. *Frank H. Towsley*. *N.Y. Univ. Law Quar. Rev.* Oct., 1947.

———. The union-management welfare plans. *Robert Rosenthal*. *Quar. Jour.* Nov., 1947.

———. Basic labor law issues under the Taft-Hartley act. *John A. Perkins*. *Boston Univ. Law Rev.* Nov., 1947.

———. Some aspects of the labor-management relations act of 1947. *Archibald Coz*. *Harvard Law Rev.* Nov., 1947.

———. Wage determination under collective bargaining. *A. M. Ross*. *Am. Econ. Rev.* Dec., 1947.

———. A strike is not a war. *J. B. Sheerin*. *Cath. World*. Jan., 1948.

———. Labor legislation in the United States; the background and growth of the newer trends. *Aaron I. Abell*. Rev. of Pol. Jan., 1948.

———. Labor and political teamwork—a symposium. *Henry Chapin, Robert Wagner, Hyman Blumberg, Wayne Morse, Jack Kroll, Henry David*. Labor-management collaboration—to what ends? *Robert S. Lloyd*. What's wrong with the Taft-Hartley law? *Henry Mayer*. Printers challenge Taft-Hartley law. *Joseph Kovner*. Jurisdictional disputes. *Norman Perelman*. Union resistance, southern style. *Helen M. Gould*. Labor and Nation. Jan.-Feb., 1948.

———. Labor trouble under the microscope. *Jules Archer*. Survey Graphic. Feb. 1948.

New Deal. How dead is the new deal? *Junius B. Wood*. Nation's Business. Feb., 1948.

Price Control. Judicial review of price control: the battle of the meat regulations. *J. D. Hyman and N. L. Nathanson*. Ill. Law Rev. Nov.-Dec., 1947.

Personalities. Myths of the Bryan campaign. *J. A. Barnes*. Hamilton and Monroe. *Philip Marsh*. Miss. Valley Hist. Rev. Dec., 1947.

Personnel. Reconverting the federal service; what happened after the first world war. *Paul Van Riper*. Problems in recruiting scientific and technical personnel. *W. G. Torpey*. Appraising employee performance. *J. A. Overholt*. Pub. Person. Rev. Jan., 1948.

———. Selection and training of supervisors. *J. M. Pfiffner*. Pub. Management. Feb., 1948.

Prohibition Movements. Inside prohibition headquarters. *Alson J. Smith*. Am. Mercury. Jan., 1948.

Public Administration. The administration of public enterprises in the United States. *Herbert Emmerich*. Pub. Admin. Autumn, 1947.

———. Government by directive—a case history. *Joseph L. Rank, Jr.* Harvard Law Rev. Nov., 1947.

———. A new approach to federal executive reorganization. *Ferrel Hedy*. Am. Pol. Sci. Rev. Dec., 1947.

———. Public information activities of government agencies. *Dick Fitzpatrick*. Problems in public relations training. *D. W. Krimel*. Pub. Opin. Quar. Winter, 1947-48.

———. Executive reorganization in 1947. *W. G. Torpey*. Minn. Law Rev. Jan., 1948.

———. Some aspects of legal work in administrative agencies. *Fritz Morstein Marx*. Univ. of Pa. Law Rev. Feb., 1948.

Public Utilities. 1946-47 survey of New York law: public utilities. *J. Rhoads Foster*. N.Y. Univ. Law Quar. Rev. Oct., 1947.

———. Some adverse effects of a federal power monopoly. *Ernest C. Potts*. Pub. Util. Fort. Dec. 18, 1947.

———. Outlook for new state utility laws in 1948. *Bethune Jones*. Pub. Util. Fort. Jan. 15, 1948.

Race Relations. The Jewish problem in America. *Alvin Johnson*. Soc. Research. Dec., 1947.

Social Security. 1946-47 survey of New York law; unemployment insurance. *Lois MacDonald*. N.Y. Univ. Law Quar. Rev. Oct., 1947.

———. 1946-47 survey of New York law: law of workmen's compensation. *Albert H. Garretson*. N.Y. Univ. Law Quar. Rev. Oct., 1947.

———. Financing public assistance and social insurance. Part I. *Mary Sydney Branch*. Social Service Rev. Dec., 1947.

Taxation. 1946-47 survey of New York law: state and local taxation. *Jerome R. Hellerstein*. N.Y. Univ. Law Quar. Rev. Oct., 1947.

———. State legislation and federal taxation. *J. William Norman, Jr.* Taxes. Jan., 1948.

———. Transfers of life insurance and the federal estate tax. *A. S. Guterman*. Columbia Law Rev. Jan., 1948.

———. Federal income taxes on foreign transactions and foreign persons. *Paul D. Seghers*. Taxes. Feb., 1948.

———. Public power and taxes. *Roy A. Wehe*. Pub. Util. Fort. Feb. 12, 1948.

Veterans. VA's rejuvenation under GI's general. *Daniel S. Gillmor*. Survey Graphic. Feb., 1948.

FOREIGN AND COMPARATIVE GOVERNMENT

Books and Pamphlets

Andrus, James R. Burmese economic life. Pp. 362. Stanford (Calif.): Stanford Univ. Press. 1948.

Barker, Ernest, ed. The character of England. Pp. 595. London: Oxford. 1947.

Canadian Tax Foundation. The income tax bill [Canada]. Pp. 19. Toronto: Can. Tax Found., 83 St. Joseph St. 1947.

Dahbar, Amin. Organisation des pouvoirs publics en Syrie. Pp. 196. Beyrouth: Impr. et photogravure Nassar. 1947.

Fourcade, Pedro D. Nuevo manual alfabético del impuesto a los réditos. Pp. 414. Buenos Aires: Selección Contable. 1947.

Greaves, H. R. G. The civil service in the changing state. Pp. 240. London: Harrap. 1947.

Hardinge, Lord. Old diplomacy: the reminiscences of Lord Hardinge of Penshurst. Pp. 288. London: 1947.

Hastings, Margaret. The court of common pleas in fifteenth century England; a study of legal administration and procedure. Pp. 320. Ithaca (N.Y.): Cornell Univ. Press. 1947.

Kurland, Samuel. Coöperative Palestine; the story of Histadrut. Pp. 293. N.Y.: Sharon Bks. 1947.

Lefebvre, Georges. The coming of the French revolution; trans. Pp. 253. Princeton (N.J.): Princeton. 1947.

McCollum, Walt H. Who owns Canada?; an examination concerning the concentration of ownership and control of the means of production, distribution, and exchange in Canada. Pp. 111. Toronto: Can. Forum Bk. Service, 16 Huntley St. 1947.

Robson, William A. Justice and administrative law. Pp. 554. London: Stevens. 1947.

Simpson, Frank A. Parliament in New Zealand; principles, personalities, and procedure. Pp. 120. Wellington: A. H. and A. W. Reed. 1947.

Street, Arthur W. The public corporation in British experience. Pp. 35. Westminster. London: Inst. of Pub. Admin. 1947.

Wheare, Kenneth C. The statute of Westminster and dominion status; 3rd ed. Pp. 334. N.Y.: Oxford Univ. Press. 1947.

Wuorinen, John H. Finland and world war II, 1939-44. Pp. 232. N.Y.: Ronald Press. 1948.

Articles

Argentina. Argentina prepares for the polls. *R. J. Alexander*. Can. Forum. Jan. 1948.

Brazil. A política monetária para 1947. *Octavio Gouveia de Bulhões e Jorge Kingston.* Rev. Brasileira de Econ. Sept., 1947.

British Commonwealth. Postwar government and politics of British Southeast Asia. *H. Duncan Hall.* Jour. of Pol. Nov., 1947.

———. The future of British colonies. *Lord Hailey.* Commonwealth & Empire Rev. Jan., 1948.

Bulgaria. Bulgaria; the development of Slavic solidarity. *W. S. Vucinich.* Current Hist. Dec., 1947.

Burma. U Aung San of Burma. *W. D. Sutton, Jr.* So. Atlan. Quar. Jan., 1948.

Canada. "Peace, order, and good government" re-examined. [Canadian constitutional law]. *Bora Laskin.* Canadian Bar Rev. Dec., 1947.

———. Our shameful mental hospitals. *D. M. Le Bourdais.* Can. Forum. Jan., 1948.

———. The problems of French Canada. *John A. Stevenson.* Quar. Rev. Jan., 1948.

———. Ontario, province of progress. *J. S. P. Armstrong.* Commonwealth & Empire Rev. Jan., 1948.

———. Maritime political trends. *Fred M. Young.* Prohibition in P. E. I. *Donald Peterson.* Can. Forum. Feb., 1948.

Ceylon. The dominion of Ceylon. *Editors.* Round Table. Dec., 1947.

China. Postwar government of China. *Chen Chih-Mai.* Postwar politics of China. *P. M. A. Linebarger.* Postwar government and politics of communist China. *Michael Lindsay.* Jour. of Pol. Nov., 1947.

———. The foundations of a sound social policy for China. *Ta Chen.* Sociol. Forces. Dec., 1947.

———. China in travail. *Editors.* Round Table. Dec., 1947.

———. China's new constitution. *G. W. Mallory.* For. Affairs. Jan., 1948.

———. Students in Kuomintang China. *Dorothy Borg.* Far Eastern Survey. Jan. 14, 1948.

———. Government land reform measures since V-J day. *Editors.* China Mag. Jan., 1948.

Czechoslovakia. The trend of law in Czechoslovakia. *P. L. Edwards.* Wis. Law Rev. July, 1947.

———. Polls come to Czechoslovakia. *Ceněk Adamec and Ivan Viden.* Pub. Opin. Quar. Winter, 1947-48.

Denmark. Denmark today. *Henry Baerlein.* Fortnightly. Jan., 1948.

———. Danish social democracy. *Editors.* Am. Perspective. Feb., 1948.

Eire. Ireland; external policy. *Editors.* Round Table. Dec., 1947.

———. Sinn Fein. *F. A. G. Willis.* Fortnightly. Dec., 1947.

———. The implications of Eire's relationship with the British Commonwealth of Nations. *Nicholas Mansergh.* Int. Affairs. Jan., 1948.

France. Recherches sur l'évolution des institutions judiciaires pendant le X^e et le XI^e siècle dans le sud de la Bourgogne. *Georges Duby.* Le Moyen Age. Nos. 1-2, 1947.

———. Centrifugal forces in France. *Editors.* Round Table. Dec., 1947.

———. Jean Bodin and the Estates-General of 1576. *Owen Ulph.* Jour. of Mod. Hist. Dec., 1947.

———. France's crisis. *E. J. Knapton.* Current Hist. Jan., 1948.

———. Party politics and post-liberation. French electoral laws. *William Chai-kin.* Am. Perspective. Feb., 1948.

French Indo-China. Postwar government and politics of French Indo-China. *Charles A. Micaud.* Jour. of Pol. Nov., 1947.

General and Comparative. French, German, Turkish, Swiss, Yugoslavian, and Indian constitutional experiments. *Editors.* *Fed. Law Journal* [India]. Mar.-Apr., 1947.

———. Postwar government in the far east; the background of dominant ideas and modern political trends. *Paul H. Clyde.* *Jour. of Pol.* Nov., 1947.

———. Coöperatives in postwar Europe, part I. *Florence E. Parker.* *Mo. Labor Rev.* Jan., 1948.

———. The corniform. *Sidney B. Fay.* *Current Hist.* Jan., 1948.

———. Unarmed warfare in South America. *A. F. Loveday.* *Soundings.* Jan., 1948.

———. The plight of labor under totalitarianism. *William B. Smith.* *Pub. Util. Fort.* Jan. 29, 1948.

———. Social security in France and Britain. *Gertrude Willoughby.* *Pol. Quar.* Jan.-Mar., 1948.

Germany. Trends of opinion in Germany today. *Valentin Tomberg.* *Dublin Rev.* Aug., 1947.

———. Denazification law and procedure. *Elmer Plischke.* *Am. Jour. of Int. Law.* Oct., 1947.

———. The future of German nationalism. *Hans Speier.* *Comment.* *Kurt Riezler.* *Soc. Research.* Dec., 1947.

———. The revival of German unions of local authorities after world war II. *Roger H. Wells.* *Am. Pol. Sci. Rev.* Dec., 1947.

———. The dilemma in Germany. *Carl E. Schorske.* *Va. Quar. Rev.* Winter, 1948.

———. Problem of re-educating German children. *Stuart Tyfield.* *Liberal Mag.* Jan., 1948.

———. Education in occupied Germany; a field study. *Helen Liddell.* *Int. Affairs.* Jan., 1948.

———. The Russian zone of Germany. *Berlin Correspondent.* *Fortnightly.* Jan., 1948.

———. What is happening in Germany? *Percy W. Bidwell.* The battle for German youth. *Fred M. Hechinger.* *Harper's.* Feb., 1948.

———. German law in transition. *Max Rheinstein.* *Common Cause.* Feb., 1948.

Great Britain. Tendencies in the Church of England. *H. J. T. Johnson.* *Dublin Rev.* Aug., 1947.

———. The public accountability of the corporation. *Henry Self.* *Pub. Admin.* Autumn, 1947.

———. Constitution or tyranny? *T. E. Utley.* *Nat. Rev.* Jan., 1948.

———. The criminal justice bill. *Hermann Mannheim.* One year of nationalization. *B. L. Coombes.* *Fortnightly.* Jan., 1948.

———. Britain's crisis and American aid. *Grant S. McClellan.* *For. Policy Rep.* Jan. 1, 1948.

———. Liberals cannot be tories. *Roger Fulford.* Ownership and nationalisation. *P. J. F. Wiles.* Liberal remedies for the crisis. *Philip Fothergill.* Liberals and trade unionists. *G. B. Gray.* *Liberal Mag.* Jan., 1948.

———. The unions and the economic outlook. *Editors.* *Labour.* Jan., 1948.

———. Conseription. *A. R. W. Low.* *Soundings.* Jan., 1948.

———. Britain and the crisis. *Bernard Wall.* *Rev. of Pol.* Jan., 1948.

———. The machinery of government, 1939-47. *W. A. Robson.* Attitudes towards America and Russia. *H. D. Willcock.* *Pol. Quar.* Jan.-Mar., 1948.

———. Britain's counter-inflationary budget. *John Kingsley.* *Taxes.* Feb., 1948.

- . The British press inquiry. *Henry D. Jordan*. Pub. Opin. Quar. Winter, 1947-48.
- . A national health service in Great Britain. *John S. Morgan and John G. Hill*. Social Service Rev. Dec., 1947.
- . The lords. *Editors*. Round Table. Dec., 1947.
- . Amending the parliament act. *Viscount Stansgate*. Dr. Dalton's crisis budget and his resignation. *Francis W. Hirst*. Penal reform. *T. E. Harvey*. Contemp. Rev. Dec., 1947.
- . House of Lords reform. "B." Nat. Rev. Dec., 1947.
- . The municipal elections: Britain. *John Armitage*. The end of the poor law. *John Moss*. Fortnightly. Dec., 1947.
- Greece. The Greek crisis; its constitutional background. *Cyril E. Black*. Rev. of Pol. Jan., 1948.
- India. Postwar government and politics of India. *W. W. Ehrmann*. Jour. of Pol. Nov., 1947.
- . Side-lights on the Indian independence act, 1947. *A. K. Ghosal*. The growth of communalism and breakdown of the Bengal administration. *Bejoy Bihari Mukheiji*. The political future of Indian states. *K. V. Rao*. Mod. Rev. [India]. Nov., 1947.
- . India; the dawn of independence. *Editors*. Round Table. Dec., 1947.
- . British rule in India. *N. F. Cooke*. Nat. Rev. Dec., 1947.
- . Can India live? *N. F. Cooke*. Nat. Rev. Jan., 1948.
- . India and Pakistan. *Frank Brown*. Commonwealth & Empire Rev. Jan., 1948.
- . The boundary award in the Punjab. *Oskar Spate*. The ideals and prospects of Pakistan. *Habib Ibrahim Rahimtoola*. Recent developments in Indian opinion. *Charles Barns*. India; the high commissioner's survey. *V. K. Krishna Menon*. Asiatic Rev. Jan., 1948.
- . Impressions of India. *A. F. Blakeslee*. Scientific Mo. Feb., 1948.
- Italy. Prospects of Italian democracy. *Felix Oppenheim*. Pub. Opin. Quar. Winter, 1947-48.
- . Italian backdrop. *Nika Standen*. Harper's. Feb., 1948.
- Japan. Postwar developments in Japanese law. *T. L. Blakemore*. Wis. Law Rev. July, 1947.
- . Postwar government and politics of Japan. *J. W. Masland*. Jour. of Pol. Nov., 1947.
- . The rôle of the bureaucracy in Japan. *John M. Maki*. Pacific Affairs. Dec., 1947.
- . Reparations and reform in Japan. *T. A. Bisson*. Far Eastern Survey. Dec. 17, 1947.
- . Conflicting purposes in Japan. *George Sansom*. The promise of agrarian reform in Japan. *W. M. Gilmartin and W. I. Ladejinsky*. For. Affairs. Jan., 1948.
- Kenya. What a Kenya colonist thinks. *S. R. Cleland Scott*. Nat. Rev. Jan., 1948.
- Korea. Postwar government and politics of Korea. *G. M. McCune*. Jour. of Pol. Nov., 1947.
- . The agrarian question in Korea. *W. Lissner*. Am. Jour. of Econ. & Sociol. Jan., 1948.
- . Land redistribution in Korea. *Shannon McCune*. Far Eastern Survey. Jan. 28, 1948.
- Madagascar. Madagascar problems. *J. T. Hardyman*. Contemp. Rev. Dec., 1947.

- Malaya.** Marking time in Malaya. *Gerald Hawkins*. Int. Affairs. Jan., 1948.
 ———. Political tendencies in Malaya's mixed community. *Barbara Whittingham Jones*. Crown Colonist. Feb., 1948.
- Malta.** Malta on the eve of self-government. *George Fabri*. Contemp. Rev. Jan., 1948.
- Netherlands.** Postwar government and politics of the Netherlands and East Indies. *H. Arthur Steiner*. Jour. of Pol. Nov., 1947.
- Newfoundland.** Newfoundland: dominion, tenth province, forty-ninth state? *Editors*. Am. Perspective. Feb., 1948.
- New Zealand.** Living problems in New Zealand. *Mrs. J. A. Harris*. Liberal Mag. Jan., 1948.
- Nigeria.** Nationalization and socialism in Nigeria. *James Hanson*. Can. Forum. Feb., 1948.
- Norway.** Norwegian social democracy. *H.O.L.* Am. Perspective. Jan., 1948.
- Palestine.** Partition in Palestine. *Owen Tweedy*. Fortnightly. Jan., 1948.
 ———. The partition of Palestine. *Israel Cohen*. Contemp. Rev. Jan., 1948.
 ———. The sociological structure of the Jewish community in Palestine. *S. N. Aisenstadt*. Jewish Soc. Studies. Jan., 1948.
 ———. Divide the land and let the people grow. *Ruth Gruber*. Survey Graphic. Feb., 1948.
- Philippine Islands.** Postwar government and politics of the Philippines. *H. M. Vinacke*. Jour. of Pol. Nov., 1947.
- Poland.** The new Poland. *S. H. Thomson*. For. Policy Rep. Dec. 1, 1947.
 ———. Meeting with Mikolajczyk. *Freda B. Lockhart*. Nineteenth Cent. Jan., 1948.
- Portugal.** Portugal, 1947. *Michael Goodwin*. Nineteenth Cent. Dec., 1947.
- Rumania.** Rumania; a communist conquest. *Kenneth Brodney*. Current Hist.
- Samoa.** The future of western Samoa. *Josiah Crosby*. Int. Affairs. Jan., 1948.
- Sarawak.** The cession of Sarawak. *Max Seitelman*. Far Eastern Survey. Feb. 11, 1948.
- South Africa.** South Africa; general election prospect. *Editors*. Dec., 1947.
 ———. South Africa's racial problems. *David C. Lamb*. Commonwealth & Empire Rev. Jan., 1948.
- Soviet Union.** Reports on the Soviet Union. *Waldemar Gurian*. Dublin Rev. Aug., 1947.
 ———. Postwar government and politics of the Soviet far east. *John N. Hazard*. Jour. of Pol. Nov., 1947.
 ———. Thirty years of the Soviet régime. *Waldemar Gurian*. Rev. of Pol. Jan., 1948.
 ———. Vishinsky: Russian warmonger. *Mark Vishniak*. Am. Mercury. Feb., 1948.
 ———. Soviet property in law and in plan. *Harold J. Berman*. Univ. of Pa. Law Rev. Feb., 1948.
- Spain.** Spain today. *Herbert L. Matthews*. Va. Quar. Rev. Winter, 1948.
 ———. The Spanish penal system. *Halliday Sutherland*. Nineteenth Cent. Jan., 1948.
 ———. Franco's Spain. *Melaine L. Pflaum*. Am. Mercury. Jan., 1948.
- Sweden.** Sweden in 1947. *Colston E. Warne*. Current Hist. Dec., 1947.
- Switzerland.** Some polling experiences in Switzerland. *Eric Stern* and *René L. d'Epinay*. Pub. Opin. Quar. Winter, 1947-48.
- Transjordan.** Transjordan; from mandate to kingdom. *H.J.L.* Am. Perspective. Jan., 1948.

Turkey. The evolution of Turkish political institutions. *Ellen D. Ellis*. Current Hist. Dec., 1947.

———. Truths about Turkey. *W. L. Wright, Jr.* For. Affairs. Jan., 1948.

INTERNATIONAL RELATIONS

Books and Pamphlets

Americano, Jorge. The new foundation of international law. Pp. 153. N.Y.: Macmillan. 1947.

Angell, Norman. The steep places. Pp. 252. N.Y.: Harper. 1948.

Bernstein, Victor H. Final judgment: the story of Nuremberg. Pp. 254. London: Latimer. 1947.

Carleton, Ralph. World unity. Pp. 213. N.Y.: Paebar. 1947.

French, Raleigh L. Plans for a world republic. Pp. 116. Boston: Christopher Pub. House. 1947.

Friedmann, W. The allied military government of Germany. Pp. 362. London: Stevens. 1947.

Gallanca, Victor. In darkest Germany. Pp. 252. N.Y.: Devin-Adair. 1947.

Lloyd, William B., Jr. Constitutional action for peace. Pp. 25. Hinsdale (Ill.): Henry Regnery Co. 1947.

Neumann, William L. Recognition of governments in the Americas. Pp. 52. Washington: Found. for For. Affairs. 1947.

Oppenheimer, J. Robert. The scientific foundations for world order. Pp. 21. Denver (Col.): Univ. of Denver Press. 1947.

Rappard, William. The economic foundations for world order. Pp. 23. Denver (Col.): Univ. of Denver Press. 1947.

Schwarzenberger, Georg. A manual of international law. Pp. 428. London: Stevens. 1947.

Smith, Herbert A. The crisis in the law of nations. Pp. 102. London: Stevens. 1947.

Woodward, E. L. The historical and political foundations for world order. Pp. 29. Denver (Col.): Univ. of Denver. 1947.

Articles

Arbitration. A science of arbitration from an international viewpoint. *Frances Kellor*. Rôle of the new world court in international arbitration. *Kenneth S. Carlston*. Arbitration Jour. Summer, 1947.

Atomic Energy. National and international control of atomic energy. *A. G. L. McNaughton*. Int. Jour. Winter, 1947-48.

———. International control of atomic energy. *J. R. Oppenheimer*. For. Affairs. Jan., 1948.

Australia. Australia's foreign policy. *Werner Levi*. Fortnightly. Dec., 1947.

———. Australia's attitude to British Commonwealth relations. *Douglas Copland*. Int. Jour. Winter, 1947-48.

Canada. Canada and the Pan-American union. *E. H. Miller*. Int. Jour. Winter, 1947-48.

China. The tyrannous decade. *Herrymon Mauer*. Fortune. Feb., 1948.

Czechoslovakia. Czechoslovak nationalization decrees; some international aspects. *Alan R. Rado*. Am. Jour. of Int. Law. Oct., 1947.

Displaced Persons. Displaced persons, part II. *Alec Dickson*. Nat. Rev. Dec., 1947.

———. Wanted: a future. *W. S. Bernard*. Freedom & Union. Feb., 1948.

Germany. Is a peace treaty with Germany legally possible and politically desirable? *Hans Kelsen*. *Am. Pol. Sci. Rev.* Dec., 1947.

———. One or more Germanies; the economics of partition. *C. A. Knudson*. *Int. Jour.* Winter, 1947-48.

Great Britain. Great Britain and Poland. *Simon Wolf*. *Contemp. Rev.* Jan., 1948.

———. Britain, Egypt, and the Sudan. *Niloticus*. *Pol. Quar.* Jan.-Mar., 1948.

———. The new Anglo-Iraq treaty. *Editors*. *Am. Perspective*. Feb., 1948.

ILO. The revision of an international constitution [ILO]. *W. G. Rice*. *Wis. Law Rev.* July, 1947.

———. The international labor organization regional meeting for the near and middle east. *I. M. Tobin*. *Dept. of State Bull.* Feb. 1, 1948.

India. The two new dominions and treaty relations. *Henry Twynam*. *Asiatic Rev.* Jan., 1948.

Indonesia. De facto status at Linggadjati. *Dr. Soebandrino*. *Far Eastern Survey*. Feb. 11, 1948.

International Administration. Trieste; another experiment in international administration. *S. L. S.* *Am. Perspective*. Jan., 1948.

International Conferences. World food council. *S. C. Hudson*. *Can. Forum*. Jan., 1948.

———. Fourth international cancer research congress. *L. A. Scheele*. *Dept. of State Bull.* Feb. 1, 1948.

———. The voting procedure in Inter-American conferences. *C. G. Fenwick*. *Bull. Pan. Am. Union*. Feb., 1948.

International Law. Patterns of international law and organization in the atomic age. *G. Schwarzenberger*. *Juridical Rev.* Aug., 1947.

———. Ultra vires laws. *E. von Hofmannsthal*. *Australian Law Jour.* Oct. 17, 1947.

———. The Nuremberg trial and the international law of the future. *F. B. Schick*. *Am. Jour. of Int. Law*. Oct., 1947.

———. Compensation for war damage to American property in allied countries. *C. Arnold Fraleigh*. *Am. Jour. of Int. Law*. Oct., 1947.

———. Comparative international and municipal law sanctions. *F. Blaine Sloan*. *Neb. Law Rev.* Nov., 1947.

———. A world bill of rights. *Charles E. Merriam*. *Social Service Rev.* Dec., 1947.

———. UN convention on genocide. *Miriam L. Milleren*. *World Affairs*. Winter 1947.

———. Observations on international aviation law. *Horace B. Jacobini*. *Social Science*. Jan., 1948.

———. The revision of the Geneva conventions. *J. M. E. Duchosal*. *Pol. Quar.* Jan.-Mar., 1948.

International Morality. The twilight of international morality. *Hans J. Morgenthau*. *Ethics*. Jan., 1948.

International Trade and Finance. Tariffs are trifles. *E. A. Beder*. *Can. Forum*. Jan., 1948.

———. Toward a world maritime organization, part II. *Eula McDonald*. *Dept. of State Bull.* Feb. 1, 1948.

ITO. The international trade organization. *Martin Domke*. *Arbitration Jour.* Fall, 1947.

Military Government. Application of the law of the absent sovereign in territory under belligerent occupation: the Schio massacre. *Eric Stein*. *Mich. Law Rev.* Jan., 1948.

- Peace Problems.** How to rebuild Europe. *Owen J. Roberts*. Freedom & Union. Jan., 1948.
- . The myth of security. *Hanson W. Baldwin*. For. Affairs. Jan., 1948.
- . The rivalry of nations. *Walter Lippmann*. Atlantic. Feb., 1948.
- Regions.** Trade policies behind the iron curtain. *Sidney B. Fay*. Current Hist. Dec., 1947.
- . Problems of far eastern settlement. *Edgar McInnis*. Int. Jour. Winter, 1947-1948.
- . Oil and the middle east. *Arthur Hearn*. Int. Affairs. Jan., 1948.
- . Latin America and the United States; problems of economic readjustments. *Olive Holmes*. For. Policy Rep. Jan. 15, 1948.
- . The meaning of "aggression" and the Rio treaty. *W. L. N. Am.* Perspective. Jan., 1948.
- Soviet Union.** The Turkish straits in the light of recent Turkish-Russian correspondence. *Cemil Bilsel*. Am. Jour. of Int. Law. Oct., 1947.
- . The Soviet Union and a world bill of rights. *John N. Hazard*. Columbia Law Rev. Nov., 1947.
- . Russia, communism, and the world. *Edward Crankshaw*. Nat. Rev. Dec., 1947.
- . Comintern. *F. A. Voigt*. Nineteenth Cent. Dec., 1947.
- . Spain versus Russia. *Arthur F. Loveday*. Quar. Rev. Jan., 1948.
- . What Russians think of Americans. *F. C. Barghoorn*. For. Affairs. Jan., 1948.
- . Communism in practice. *John Pollock*. Quar. Rev. Jan., 1948.
- . Russo-Canadian relations. *H. L. Stewart*. Nat. Rev. Jan., 1948.
- . World communism has passed its peak. *Martin Ebon*. Am. Mercury. Jan., 1948.
- . The containment of Soviet power. *G. B. Thomas*. Harper's. Jan., 1948.
- . The Soviet commercial mission in Rumania. *S. L. S. Am.* Perspective. Jan., 1948.
- . Prewar Soviet-Japanese trade. *Siegfried Garbuny*. Far Eastern Survey. Jan. 14, 1948.
- Switzerland.** Switzerland; Europe's shangri-la. *I. D. W. Talmadge*. Current Hist. Jan., 1948.
- Vatican.** The papacy and international problems. *J. W. Poynter*. Quar. Rev. Jan., 1948.
- World Organization.** The United Nations at work. *Thomas J. Hamilton*. Yale Rev. Autumn, 1947.
- . Privileges and immunities of international organizations. *Josef L. Kunz*. Am. Jour. of Int. Law. Oct., 1947.
- . United Nations; second assembly at work. *Ruth C. Lawson*. Current Hist. Dec., 1947.
- . Economic and social council of the UN. *Symposium*. World Affairs. Winter, 1947.
- . "Crisis" at Lake Success. *Michael O' Hearn*. Antioch Rev. Winter, 1947-48.
- . United Nations; the influence of power politics. *Ruth C. Lawson*. Current Hist. Jan., 1948.
- . Assembly scoreboard. *T. J. Hamilton*. Freedom & Union. Jan., 1948.
- . Can United Nations be mended? *Gilbert Murray*. Commonwealth & Empire Rev. Jan., 1948.

———. The Soviet Union and the United Nations. *A. N. O. World Today*. Jan., 1948.

———. The movement for world government. *Edward McN. Burns*. *Social Science*. Jan., 1948.

———. The great powers' veto; what should be done? *W. Arnold-Forster*. *Pol. Quar.* Jan.-Mar., 1948.

———. The how of trans-atlantic union. *T. C. P. Martin*. *Freedom & Union*. Feb., 1948.

———. Constitution-making as process. *Quincy Wright*. Constitution-making as planning. *Gerald Barnes*. An international police force. *Dieter Dux*. *Common Cause*. Feb., 1948.

———. Human welfare specialized agencies of U.N.—labor, food, education, health, and refugees. *F. L. Hadsel*. *For. Policy Rep.* Feb. 1, 1948.

World War II. Oil for Spain; a critical episode of the war. *Herbert Feis*. *For. Affairs*. Jan., 1948.

LOCAL GOVERNMENT

Books and Pamphlets

Blackburn, F. Local government reform. Pp. 152. London: Sherratt. 1947.

Carlson, Evelyn F. A great city and state; the story of Chicago and Illinois. Pp. 320. Chicago: King Co., 4816 N. Clark St. 1947.

Knight, William D. Subsidization of industry in forty selected cities in Wisconsin, 1930-1946. Pp. 206. Madison: Univ. of Wis. 1947.

Purdom, Charles B. How should we rebuild London? 2nd ed. Pp. 319. N.Y.: Wm. Salloch. 1947.

Stringham, Briant H., and *James, Dale W.* Utah experience with the city manager idea. Pp. 12. Salt Lake City: Univ. of Utah. 1947.

Town and Country Planning Association. Planning Britain's land. Pp. 15. London: Author. 1947.

Webb, Wilfred D. Municipal home rule charters in Texas. Pp. 54. Austin: Bur. of Mun. Research, Univ. of Tex. 1947.

Willbern, York. Cities and river-front lands. Pp. 61. University: Bur. of Pub. Admin., Univ. of Ala. 1947.

Articles

Airports. The landowner versus the airport. *I. Martin Leavitt*. *W. Va. Law Quar.* June, 1947.

———. Airports and airways. *A. C. Perkinson*. *Va. Mun. Rev.* Dec., 1947.

Business. Municipal control of peddlers, solicitors, and distributors. *Frank H. Peterman*. *Tulane Law Rev.* Dec., 1947.

County and Township Government. County and township government in 1946. *Clyde F. Snider* and *Neil F. Garvey*. *Am. Pol. Sci. Rev.* Dec., 1947.

———. A county governed on up-to-date budgetary facts. *J. E. Cash*. *Am. City*. Jan., 1948.

Elections. The municipal elections: France. *William Rydal*. *Fortnightly*. Dec., 1947.

Finance. The financial plight of our cities. *Sam Shulsky*. *Am. Mercury*. Jan., 1948.

Home Rule. The Illinois constitution and home rule for Chicago. *Barnet Hodges*. *Univ. of Chicago Law Rev.* Autumn, 1947.

Labor. Union agreements in municipal employment. *Rollin B. Posey*. *Pub. Management*. Feb., 1948.

New York. 1946-47 survey of New York law: local government. *William Miller*. N.Y. Univ. Law Quar. Rev. Oct., 1947.

Planning. Some observations on community plans and utopia. *David Riesman*. Yale Law Jour. Dec., 1947.

———. Public utilities and city planning. *Leslie Williams*. Pub. Util. Fort. Jan. 29, 1948.

———. The social implications of the new town. *J. E. MacCall*. Fortnightly. Dec., 1947.

Zoning. The Illinois supreme court and zoning. *R. F. Babcock*. Univ. of Chicago Law Rev. Autumn, 1947.

POLITICAL AND LEGAL PHILOSOPHY

Books and Pamphlets

Arrese, José Luis de. Capitalismo, comunismo, cristianismo. Pp. 386. Madrid: Ediciones. Radar. 1947.

Augustinus, Aurelius, Saint. De libero arbitrio voluntatis; St. Augustine on free will (Univ. of Va. Studies, v. 4). Pp. 149. Richmond (Va.): Dietz Press. 1947.

Bacon, Francis. New atlantis; lim. ed. Pp. 32. N.Y.: Russell F. Moore Co. 1947.

Beard, Charles A., ed. The enduring Federalist. Pp. 407. Garden City (N.Y.): Doubleday. 1948.

Blau, Joseph L., ed. Social theories of Jacksonian democracy. Pp. 411. N.Y.: Hafner. 1947.

Brown, J. A. C. The evolution of society. Pp. 184. London: Watts. 1947.

Carritt, E. F. Ethical and political thinking. Pp. 206. N.Y.: Oxford. 1947.

Comfort, Alex. Art and social responsibility. Pp. 91. London: Falcon. 1947.

Cox, Oliver C. Caste, class, and race; a study in social dynamics. Pp. 624. Garden City (N.Y.): Doubleday. 1948.

de Ruggiero, Guido. Existentialism; disintegration of man's soul. Pp. 96. N.Y.: Soc. Sciences Pubrs., 41 W. 47 St. 1948.

Dobbs, Catherine R. Freedom's will; the society of the Separatists of Zoar; an historical adventure of religious communism in early Ohio. Pp. 104. N.Y.: William Frederick Press. 1947.

Friedwald, Eugène M. Man's last choice; a survey of political creeds and scientific realities. Pp. 128. N.Y.: Viking. 1948.

Hammerschmidt, William W. Whitehead's philosophy of time. Pp. 117. N.Y.: King's Crown Press. 1947.

Le Buffe, Francis P., and *Hayes, James V.* The American philosophy of law. 4th ed. Pp. 445. Long Island City (N.Y.): Crusader Press. 1947.

Locke, John. On politics and education. Pp. 412. N.Y.: W. J. Black. 1947.

McIlwain, Charles H. Constitutionalism, ancient and modern; rev. ed. Pp. 187. Ithaca (N.Y.): Cornell Univ. Press. 1947.

Mirkine-Guetzévitch. Doctrines politiques modernes. Pp. 322. N.Y.: Brentano's. 1947.

Monaghan, Frank. Heritage of freedom; the history and significance of the basic documents of American liberty. Pp. 150. Princeton (N.J.): Princeton. 1947.

Parrington, Vernon L., Jr. American dreams; a study of American utopias. Pp. 242. Providence. Brown Univ. 1947.

Ritchie, A. D. Science and politics. Pp. 46. London: Oxford. 1947.

Robbins, Lionel C. The economic problem in peace and war; some reflections on objectives and mechanisms. Pp. 85. London: Macmillan. 1947.

Rommen, Heinrich A. The natural law; a study in legal and social history and philosophy; trans. Pp. 300. St. Louis: B. Herder. 1947.

Simons, Henry C. Economic policy for a free society. Pp. 362. Chicago: Univ. of Chicago Press. 1947.

Articles

Bacon. Salomon's house; a study of Francis Bacon. *Rufus Suter*. Scientific Mo. Jan., 1948.

Leon Bloy. The passion of Leon Bloy. *Frank O'Malley*. Rev. of Pol. Jan., 1948.

Civilization. Churches and civilizations. *Arnold Toynbee*. Yale Rev. Autumn, 1947.

Morris Cohen. Morris R. Cohen: liberal. *Milton R. Konvitz*. Antioch Rev. Winter, 1947-48.

Democracy. Neighborhoods in the democratic process. *B. J. Hovde*. Am. Jour. of Econ. & Sociol. Jan., 1948.

Economic Theory. Two decades of economic theorizing. *H. G. Brown*. Am. Jour. of Econ. & Sociol. Jan., 1948.

———. The competitive order. *Diana Spearman*. Contemp. Rev. Jan., 1948.

———. Price theory and oligopoly. *K. W. Rothschild*. Econ. Jour. Sept., 1947.

Greek Thought. A note on Greek sociological thought before Plato and Aristotle. *Joseph B. Gittler*. Social Science. Jan., 1948.

O. W. Holmes. The Holmes-Cohen correspondence; edited, *Felix S. Cohen*. Jour. of the Hist. of Ideas. Jan., 1948.

Ideals. On the nature and justification of ideals. *Willis Moore*. Ethics. Jan., 1948.

Individualism. Individualism in modern western culture. *Samuel Mencher*. Southwestern Soc. Sci. Rev. Dec., 1947.

Man's Estate. The crisis of man in the modern world. *Nikolai Berdiaeff*. Int. Affairs. Jan., 1948.

Marxism. The century of the communist manifesto. *Béla Menczer*. Contemp. Rev. Dec., 1947.

———. Marxist literary criticism. *Stanley E. Hyman*. Antioch Rev. Winter, 1947-48.

Masaryk. Ježš ci Caesar? *J. L. Fischer*. Masaryk a Slovensko. *Anton Stefánek*. Masaryk a revoluce. *Miloslav Trapl*. T. G. Masaryk—lidové prvky v jeho myšlení a řeči. *T. Čep*. Masarykova Rukověť sociologie. *Ludvík Svoboda*. Vůdcovský typ T. G. Masaryka. *Antonín J. Obrdlík*. Pohřeb T. G. Masaryka. *Jaromír Doležal*. Sociologická Rev. 3, 13, 1947.

Philosophy of History. Theoretical history. *Jan Romein*. Jour. of the Hist. of Ideas. Jan., 1948.

Protestantism. The Protestant ethic and the spirit of capitalism in Norway. *C. T. Jonassen*. Am. Sociol. Rev. Dec., 1947.

John Morley. Morley and compromise. *Byron Dexter*. For. Affairs. Jan., 1948.

Rousseau. On the intention of Rousseau. *Leo Strauss*. Soc. Research. Dec., 1947.

Social Gospel. Sociology and the social gospel. *William C. Smith*. Sociology and Social Research. Nov.-Dec., 1947.

Thomism. Action; the perfection of human life. *Jacques Maritain*. Sewanee Rev. Winter, 1948.

Treitschke. Treitschke in his correspondence, parts I & II. *G. P. Gooch*. Contemp. Rev. Dec., 1947, Jan., 1948.

F. J. Turner. Recent studies of Turner and the frontier doctrine. *G. W. Pierson*. Miss. Valley Hist. Rev. Dec., 1947.

Mark Twain. Twain and Howells: anti-imperialists. *William M. Gibson*. New Eng. Quar. Dec., 1947.

- Utilitarianism. Utilitarianism. *A. C. Ewing*. Ethics. Jan., 1948.
 Vitoria. Francisco de Vitoria and the international community. *Fernando de los Rios*. Soc. Research. Dec., 1947.
 Voltaire. Voltaire. *George B. de Huszar*. So. Atlan. Quar. Jan., 1948.
 Sidney and Beatrice Webb. The Webbs and their work. *R. G. MacRae*. Pol. Quar. Jan.-Mar., 1948.
 ———. In memory of Sidney Webb. *R. H. Tawney*. Economica. Nov., 1947.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Commerce Department

- Census bureau*. County finances, 1945. Compendium. Washington, 1947. 104p. (processed)
 Current population reports: characteristics of married, single, widowed, and divorced persons in 1947. Washington, 1948. 20p. (processed)
 ——— Urban and rural residence, age, sex, color, and veteran status of the civilian population of the United States, April, 1947. Washington, 1948. 9p. (processed)
 ——— Large-city finances in 1948. Washington, Dec., 1947. 57p. (processed)
 ——— State finances, 1946. Compendium. Washington, 1947. 58p. (processed)
 ——— Summary of city government finances in 1946. [over 25,000]. Washington, 1947. 11p. (processed)
 ——— Summary of governmental debt in 1947. Washington, 1947. 4p. (processed)

Commodity Credit Corporation

- Compilation of corporate charter by-laws and of laws, executive orders, and regulations applicable to Commodity Credit Corporation . . . New York, 1948. 128p. (processed)

Congress

- House of representatives*. Civil service preference, retirement, and salary classification laws [Feb. 25, 1919-Aug. 4, 1947]; comp. by Elmer A. Davis . . . Washington: Govt. Ptg. Off., 1947. 513p.
District of Columbia committee. Reorganization and home rule for District of Columbia, hearings . . . 80th Cong., 1st sess., pursuant to H. Res. 90. Washington: Govt. Ptg. Off., 1947. 621p. \$1.25.
Foreign affairs committee. Displaced persons and International Refugee Organization. Report of special subcommittee . . . Washington: Govt. Ptg. Off., 1947. 88p.
Judiciary committee. Permitting admission of 400,000 displaced persons into United States, hearings . . . 80th Cong., 1st sess., on H. R. 2910. Washington: Govt Ptg. Off., 1947. 693p. \$1.50.
Interstate and foreign commerce committee. Federal power act, hearings . . . 80th Cong., 1st sess . . . Washington: Govt. Ptg. Off., 1947. 722p. \$2.25.

Senate. Foreign relations committee. European recovery program. Hearings . . . 80th Cong., 2d sess . . . Part 1. Washington: Govt. Ptg. Off., 1947. 532p.

Federal Security Agency

Legislation on juvenile courts in foreign countries. Washington, 1947. 70p. (mim.)

Federal Trade Commission

Rules, policy, organization, and acts. Washington: Govt. Ptg. Off., 1947. 214p.

Interior Department

National resources and foreign aid, report of J. A. Krug, Secretary of Interior. Washington: Govt. Ptg. Off., 1947. 97p. 60c.

Justice Department

Immigration and naturalization service. Administrative decisions under immigration and nationality laws, v. 1, Aug., 1940-Dec., 1943 . . . Washington: Govt. Ptg. Off., 1947. 748p. \$2.25. (A new series of considerable current interest.)

Library of Congress

A guide to the law and legal literature of Argentina, 1917-46. Helen L. Clagett. Washington: Govt. Ptg. Off., 1947. 180p. (Latin American ser. no. 32) 60c. (These guides contain considerable constitutional material.)

A guide to the law and legal literature of Chile, 1917-1946. Helen L. Clagett. Washington: Govt. Ptg. Off., 1947. 103p. (Latin American ser. no. 28). 40c.

Outline of European recovery program. Washington, 1948. 39p. (mim.)

State law index: an index to the legislation of the states of the United States enacted during the biennium 1945-1946. 11th biennial volume. Washington: Govt. Ptg. Off., 1948. 729p. \$2.50.

General reference and bibliography division. Non-self-governing areas, with special emphasis on mandates and trusteeships, selected list of references; comp. by Helen F. Conover. Washington, 1947. 221p. (processed)

Legislative reference service. Atomic energy: Significant references covering various aspects of subject, arranged topically, series 2, no. 1-5. [but issued as one publication.] Washington, 1947. (processed)

——— Atomic energy: significant references, with emphasis on international control and developments in foreign countries. [series 1] Monthly. (processed)

——— Repayments by foreign countries on loans, property credits and advances granted them by United States federal agencies (July 1, 1940-Mar. 31, 1947). Hermann Ficker. Washington, 1947. 12p. (processed)

President

President's scientific research board. Science and public policy: v. 4: Manpower for research. Washington: Govt. Ptg. Off., 1947. 166p. 35c.

Temporary controls office. Historical reports on war administration. Price administration office, General publications 9, 11, 14:

9. Problems in price control, changing production patterns, by Robert B. Armstrong and others. Washington: Govt. Ptg. Off., 1947. 441p. 75c.

11. Problems in price control, legal phases. Nathaniel L. Nathanson, Harold Leventhal. Washington: Govt. Ptg. Off., 1947. 106p. 25c.

14. Volunteers in OPA. Imogene H. Putnam. Washington: Govt. Ptg. Off., 1947. 166p. 35c.

Historical reports on war administration: War production board, General study 1: Industrial mobilization for war, history of WPB and predecessor agencies. v. 1 Program and administration. Washington: Govt. Ptg. Off., 1947. 1010p. \$3.75.
Temporary controls office. War profits study 18: Corporate profits, 1936-46: part 3, Half-year earnings, 1936-39, 1942-45, 1945, 1946, impact of reconversion. 1,075 leading industrial corporations. Helene Granby. Washington: Govt. Ptg. Off., 1947. 31p. 10c.

State Department

European recovery and American aid: a report by the President's committee on foreign aid. Washington: Govt. Ptg. Off. [1948] 286p. 60c.
 European recovery program. Statement by George C. Marshall before Senate Committee on foreign relations, Jan. 8, 1948. Washington, 1948. 12p. (processed)
 London meeting of the council of foreign ministers . . . Report by George C. Marshall . . . Washington: Govt. Ptg. Off., 1947. 10p.
Office of public affairs. Questions and answers on the veto [in the Charter of U. N.] Washington, 1947. 9p. (mim.)
 ——— Selected publications and materials relating to the foreign policies of the United States. Washington, December, 1947. 18 p.(processed)
 The following in the numbered series of State department publications have appeared; all from the Government Printing Office, 1947 or 1948.
 2868. Paris peace conference, 1946. Selected documents. 1442p. \$6.
 2932. Atomic energy commission of the United States, Second report to the security council. 106p. 30c.
 2958. Relief assistance: foreign relief program in Italy. 24p. 10c.
 2960. Treaty of peace with Italy. 511p. \$1.25.
 2966. Germany: distribution of reparations, establishment of Inter-Allied reparation agency, restitution of monetary gold. 31p. 10c.
 2969 Treaty of peace with Roumania. 157p. 35c.
 2971. Coöperation in the Americas. Report of interdepartmental committee on scientific and cultural coöperation. 146p. 40c.
 2973. Treaty of peace with Bulgaria. 15p. 35c.
 2974. Treaty of peace with Hungary. 165p. 35c.
 2977. Concerning freedom of information. 13p. 10c.
 2982. Eightieth Congress, first session, and the United Nations. 18p. 15c.
 2983. General assembly and the problem of Greece. (Supp. Bulletin, Dec. 7, 1947).
 2994. Program of the interdepartmental committee on scientific and cultural coöperation. 42p. 20c.
 2995. International health security in the modern world; sanitary conventions and the world health organization. 6p.
 3002. The world talks over its food and agricultural problems. 7p. 10c.
 3014. The Turkish aid program. 24p.
 3022. Assistance to European economic recovery. Statement by George C. Marshall. 20p. 15c.
 3023. Nazi-Soviet relations, 1939-1941. 362p. \$1.00. (Very important.)
 3024. United States and the United Nations. Report by the President to the Congress for the year 1947. 359p. 60c.
 3035. Second report to Congress on assistance to Greece and Turkey, for period ended December 31, 1947. 64p. 25c.
 3041. Elements in European recovery. Address by Willard L. Thorp. 14p.
 3054. Sovereignty and interdependence in the new world. Comments on the

Inter-American system. William Sanders. (Reprinted from Dept. of State bulletin Feb. 8, 1948).

3055. An international bill of human rights. James P. Hendrick. 30p.

Tariff Commission

Analysis of Geneva draft of charter for an international trade organization. Washington, 1947. 99p. (mim.)

STATE AND TERRITORIAL

ALABAMA

State department of revenue. (In October, 1947, the department started the publication of a processed bulletin showing the derivation and use of the various state taxes)

University of Alabama, University. Bureau of public administration. Alabama's heritage; a study of the public administration of natural resources, by Joseph M. Ray and Lillian Worley. University, 1947. 186p. (Pub. no. 27)

——— Cities and river-front lands, by York Willbern. University, 1947. 61p. (Pub. no. 28)

CALIFORNIA

University of California, Berkeley. Bureau of public administration. County government and organization in California. J. Bollens and others. rev. ed. Berkeley, 1947. 45p. (mim.)

KANSAS

Legislative council. Research dept. School district reorganization, Kansas experience, 1945-1947. Topeka, 1947. 27p. (Pub. no. 150)

KENTUCKY

Governor. Your Kentucky government, 1943-1947; the record of four years of good government in your Kentucky. Frankfort, 1947. 110p.

MASSACHUSETTS

Cambridge, City manager. The first three centuries: progress report of the city of Cambridge, Mass., including the annual report for the centennial year 1946. Cambridge, 1947. 96p.

MICHIGAN

University of Michigan, Ann Arbor. Proceedings of the short course for municipal assessing officers, held at the University of Michigan . . . Ann Arbor, 1947. 93p. \$1.00

NEW HAMPSHIRE

University of New Hampshire, Durham. Bureau of government research. New Hampshire town and city notes. (The first issue of this new periodical appeared in November, 1947.)

NEW YORK

State bureau of minicipal information. (This bureau during 1947 has issued a number of brief documents on the personnel of city police departments, salaries of city auditors, policemen, etc.)

State commission against discrimination. Compilation of laws against discrimination because of race, creed, color, or national origin; a reference manual . . . Albany, 1948. 172p. (Emphasis on New York, but covers other states)

Temporary state commission on coordination of state activities. Interim report. Albany, Williams Press, 1947. 77p.

New York City, Municipal civil service commission. Rules and regulations . . . including the classification of the positions in the classified service of the City of New York, as amended to September 30, 1947. New York, 1947. 262p.

Mayor's executive committee on administration. [Investigation of the organization, policies, and methods of operation of the Department of Welfare, particularly in relation to the administration of public assistance.] October 24, 1947. 44p. (mim.)

OREGON

University of Oregon, Eugene. Bureau of municipal research and service. Procedure for establishing county planning and zoning, under chapter 537, Oregon laws, 1947. Eugene, 1947. 11p.

TENNESSEE

University of Tennessee, Knoxville. Bureau of public administration. Proceedings of the 6th annual Southern institute of local government, held in Nashville, Nov. 29 and 30, 1946 . . . Knoxville, 1947. 68p.

Division of university extension. Papers on constitutional revision; vol. 2. Knoxville, 1947. 109p.

VIRGINIA

University of Virginia, University. Bureau of public administration. A critical appraisal of university bureaus of public administration. Charlottesville, 1948. 55p.

University of Virginia, University. Law library. Classification for international law, based on Elsie Basset's outline of topic headings for books on international law and relations in classified form, and expanded by Kurt Schwerin. Charlottesville, 1947. 50p.

WASHINGTON

University of Washington, Seattle. Bureau of governmental research and services. Regulation and control of outdoor advertising. Research by J. Malcolm Smith. Seattle, 1947. 78p. (Report no. 76)

——— Regulation of peddlers. Research by Victor J. Town. Seattle, 1947. 55p. (Report no. 78.)

WISCONSIN

University of Wisconsin, Madison. Bureau of business research and service. Subsidization of industry in forty selected cities in Wisconsin, 1930-1946. W. D. Knight. Madison, 1947. 206p. (Wisconsin commerce studies, v. 1, no. 2.)

Milwaukee. Board of city service commissioner. Civil service law and rules, and also a summary of the 48th to 52d annual reports, for the years 1942-1946. Milwaukee, 716 City Hall, 1947. 248p.

FOREIGN AND INTERNATIONAL

ARGENTINA

Ministerio de relaciones exteriores y culto. Por la cooperación y la paz mundial. Buenos Aires, 1947. 40p.

Universidad nacional del litoral. Instituto de investigaciones jurídico-políticas. La enseñanza de la ciencia política en la Universidad Argentina. Salvador M. Daña Montaña. Santa Fé, 1947. 141p.

DOMINICAN REPUBLIC

Secretaría de estado de relaciones exteriores. Libro blanco. [Attacks of Rómulo Betancourt answered.] Ciudad Trujillo, 1946. 19p., pl.

DUTCH EAST INDIES

Regeeringsvoorlichtingsdienst, Batavia. The Indonesian problem, facts and factors; what happened since the end of the Pacific war. Batavia, Netherlands East Indies government service, 1947. 59p.

ECUADOR

Ministerio de relaciones exteriores. El consejo económico y social de las Naciones Unidas: La nueva estructura mundial de posguerra. Quito, 1947. 101p.

Ministerio de relaciones exteriores. Relación de tratados y convenciones Pan-americanos firmados por el Ecuador. Quito, 1947.

GREAT BRITAIN

Boundary commissions for England, Northern Ireland, Scotland, and Wales. Initial reports. (Cmds: 7231, 7260, 7270, 7274.) Lond: H.M.S.O., 1947. 13, 61, 28, 15 pp.

Foreign office. Hungary. Armistice agreement. Signed at Moscow, Jan. 20, 1945. (With annex and protocol.) Lond: H.M.S.O., 1947. /2.

——— *The Marshall plan; Technical reports of the committee of European economic coöperation. Volume II.* Lond: H.M.S.O., 1947. 355p. 13/2.

Royal commission on the press. Replies to questionnaire (N.C. 1) addressed to publishers of newspapers and periodicals. (Memorandum of evidence no. 3.) Lond: H.M.S.O., 1947. 336p. 15/8.

HUNGARY

Ministry for foreign affairs. Hungary and the conference of Paris. 5 volumes. Budapest, 1947. \$6.00 per volume, sold separately. (Only volumes 1, 2, and 4 have appeared.)

JAPAN

(Territory under Allied occupation, 1945--) Major post-surrender legislation affecting the Zaibatsu. Tokyo [1947] v.p. (mim.)

MEXICO

Consejo interamericano de comercio y producción, 1947. La intervención del estado en el proceso económico. Salvador Ugarte. Mexico, 1947. 39p.

NEW ZEALAND

Exterior affairs department. Conference of Paris: report of the New Zealand delegation . . . to consider the treaties of peace with Italy, Roumania, Bulgaria, Hungary, and Finland. 1947. 94p. 1/9.

——— *Japanese peace settlement: report on British commonwealth conference,*

Canberra . . . and comments and proposals regarding New Zealand policies. 1947. 37p. 1/0.

NIGERIA

Legislative council. A ten-year plan of development and welfare for Nigeria, 1946. Lagos, Govt. Printer., 1946. 157p. 5/0.

PALESTINE

Memorandum on the administration of Palestine under the Mandate. Jerusalem, Govt. Printer, 1947. 14p.

SCOTLAND

Glasgow. City chamberlain. Facts and figures for members of the Council. Glasgow, 1947. 40p.

UNION OF SOUTH AFRICA

State information office. Searchlights on South Africa's native policy: a survey. Rex Reynolds. 1947. 64p.

VIET-NAM.

Information service. Viet-Nam's president, Ho-Chi-Minh. Paris, Imp. Centrale commerciale, 13, R. de la Grange-Batelière. 30p.

CONFERENCE OF PARIS ON REPARATIONS

Final act. Paris (?) [n.d.] 27, 26p. Text in English and French.

CONFERENCE OF PARIS TO CONSIDER DRAFT TREATIES OF PEACE WITH ITALY, ROUMANIA, BULGARIA, HUNGARY, AND FINLAND, 1946.

Record of recommendations by the Conference on the draft peace treaty with Bulgaria [Finland, Hungary, Italy, Roumania.] Paris, Palais du Luxembourg. [n.d.]

PAN AMERICAN UNION

Governing board. Report on specialized inter-American organizations . . . Washington, 1947. 35 l. (mim.)

Inter-American conference for the maintenance of continental peace and security, Rio de Janeiro, August 15–Sept. 2, 1947. Report on the results of the conference. Washington, 1947. (Congress and conference series, no. 53).

UNITED NATIONS

Economic affairs department. Economic development in selected countries. Plans, programmes, and agencies. Lake Success, N. Y., 1947. 286p.

——— Economic report: salient features of the world economic situation, 1945–47. Lake Success, N. Y., 1948. 354p.

Economic and social council. Prevention and punishment of genocide. Comments by governments on the draft convention prepared by the Secretariat. Communications from non-governmental organizations. Lake Success, N. Y., 1948. 53p. (mim.)

Same. Historical summary (2 November 1946–20 January 1948.) Lake Success, N. Y., 1948. 50p. (mim.)

Social commission. Third session. Lake Success, N. Y. 10 Feb. 1948. 113p. (Kim.)

Economic and social council. United Nations conference on freedom of information. The freedom of the press: some historical notes. Lake Success, N. Y., 11 Feb. 1948. 29p. (mim.)

Interim coördinating committee for international commodity arrangements. Review of international commodity arrangements. Geneva, 1947. 58p.

Public information department. Research section. United Nations conference on freedom of information. Lake Success, Jan. 26, 1948. 30p. (mim.)

——— United Nations maritime conference. Lake Success, Jan. 14, 1948. 11p. (mim.)

Trusteeship council. Trusteeship agreement for the territory of Nauru . . . 1 November 1947. Lake Success, N. Y., 1947. (text in French and English.)

A "Different" Text—

ELEMENTS OF PUBLIC ADMINISTRATION

By **F. MORSTEIN MARX**, Editor; **James W. Fesler**, **George A. Graham**, **V. O. Key, Jr.**, **Henry Reining, Jr.**, **Milton M. Mandell**, **Harvey C. Mansfield**, **John D. Millett**, **Don K. Price**, **Avery Leiserson**, **Wallace S. Sayre**, **Donald Stone**, **John A. Vieg**, and **Dwight Waldo**.

This searching analysis deepens the reader's understanding of the modern administrative process as an integral part of contemporary civilization. The discussion takes a fresh view of administration theory and practice, and deals realistically with fundamental problems, which it traces in the broader context of the American political system.

"An excellent treatment, emphasizing a number of important points previously neglected in texts on the subject."—**C. H. Pritchett**, *University of Chicago*.

"A greatly needed text in the field. An excellent introductory text for undergraduates."—**Ray F. Harvey**, *New York University*.

—Adopted by Cornell, Chicago, Columbia, Yale, Princeton, Northwestern, Rutgers, and New York Universities; University of California, University of Minnesota, University of North Carolina, and many others.

637 pages

6" x 9"

PUBLIC OPINION IN A DEMOCRACY

By **Charles W. Smith**, *Department of State*

Not limited to the dissection of propaganda, this "study in American politics" is a sound discussion of the entire field of public opinion. Propaganda and Censorship, Newspapers, Radio, Rabble-Rousers, Sectionalism, and Electioneer Tactics are only a few of the important topics treated in this scholarly and engaging text.

- Examines the forces that influence public opinion, shows how public opinion determines action.
- Written from the standpoint of the participant rather than the theorist.
- A thoroughly practical text for courses in Political Science, Sociology, Journalism and Public Opinion.

598 pages

6" x 9"

MUNICIPAL ADMINISTRATION

By **Stuart A. MacCorkle**, *University of Texas*

Concrete examples show how city governments solve their many problems, well as the factors involved in unsolved problems. It explains the reform movement and why it took different shape in different cities.

- Complete treatment, wide scope, and excellent organization are features of this text.

406 pages

6" x 9"

Send for your examination copies today

**PRENTICE-HALL, INC., 70 FIFTH AVENUE
NEW YORK 11, N. Y.**

POLITICS AMONG NATIONS

The Struggle for Power and Peace

By HANS J. MORGENTHAU

University of Chicago

An analytical and historical survey of international relations, this new book is an illuminating appraisal of the fundamental forces in world politics with particular reference to the fateful struggle for power and peace in our times.

CONTENTS

Part I. INTERNATIONAL POLITICS—A DUAL APPROACH

- Understanding International Politics
- Understanding the Problem of International Peace

Part II. INTERNATIONAL POLITICS AS A STRUGGLE FOR POWER

- 1. Political Power
- 2. The Struggle for Power: Policy of the Status Quo
- 3. The Struggle for Power: Imperialism
- 4. The Struggle for Power: Policy of Prestige
- 5. Ideological Elements in International Policies

Part III. NATIONAL POWER

- 6. The Essence of National Power
- 7. Elements of National Power
- 8. Evaluation of National Power

Part IV. LIMITATIONS OF INTERNATIONAL POWER: THE BALANCE OF POWER

- 9. The Balance of Power
- 10. Different Methods of the Balance of Power
- 11. The Structure of the Balance of Power
- 12. Evaluation of the Balance of Power

Part V. LIMITATIONS OF INTERNATIONAL POWER: INTERNATIONAL MORALITY AND WORLD PUBLIC OPINION

- 13. Ethics, Mores, and Laws as Restraints on Power
- 14. International Morality
- 15. World Public Opinion

Part VI. LIMITATIONS OF INTERNATIONAL POWER: INTERNATIONAL LAW

- 16. The Main Problems of International Law
- 17. Sovereignty

Part VII. WORLD POLITICS IN THE MID-TWENTIETH CENTURY

- 18. The New Moral Force of Nationalistic Universalism
- 19. The New Balance of Power
- 20. Total War

Part VIII. THE PROBLEM OF PEACE IN THE MID-TWENTIETH CENTURY

- 21. Peace Through Limitation
- 22. Peace Through Transformation
- 23. Peace Through Accommodation

Ready in Summer; 460 pages; \$4.00 text

A postcard will reserve your examination copy

College Department
ALFRED A. KNOFF

501 Madison Avenue
NEW YORK 22

How to Predict Elections

By LOUIS H. BEAN

Economic Advisor to Secretary of Agriculture

A systematic analysis of the voting behavior of the American electorate since 1896, this book explains the operation of our two-party system at the polls on both national and state levels. Essential and exciting reading for all students of political parties and of public opinion.

July; approx. 192 pages, with 26 charts; \$1.90 text

Politics in the Empire State

By WARREN MOSCOW

The Albany correspondent of the *New York Times* describes the government of his state, the actual structure and management of local political parties, the pressure groups, lobbies, and vested interests peculiar to New York, and the conflicts between up-state Republicanism and down-state Democracy.

August; over 300 pages; prob. \$2.65 text

Plunkitt of Tammany Hall

By WILLIAM L. RIORDON

Introduction by Roy V. Peel, Indiana University

First published in 1905, this wise and witty little classic on the realities of municipal politics is made up of "very plain talks on very practical politics" by the ward boss and Tammany philosopher, George Washington Plunkitt. Professor Peel's introduction will prove illuminating to all students of American government.

September; approx. 200 pages; prob. \$1.90 text

College Department
ALFRED A. KNOPF

501 Madison Avenue
NEW YORK 22

★ "One central goal—rebuilding a sound and prosperous economic system." ★

—From Annual Report, Twentieth Century Fund

Rebuilding the World Economy

By NORMAN S. BUCHANAN and FRIEDRICH A. LUTZ

"This book presents the facts basic to intelligent action. It surveys previous experience in world trade and foreign investment; the present situation; the possibilities of the new agencies such as the International Bank for Reconstruction and Development, and the International Monetary Fund."—*Magazine of Wall Street*.

\$4.00

Cartels or Competition?

By GEORGE W. STOCKING and MYRON W. WATKINS

Just coming off press is this comprehensive study of the cartel form of controls by business and government, in historical perspective and with emphasis on the situation which exists today. Its facts are needed in making the critical choices which are before us.

\$4.00

—and its predecessor—

Cartels in Action

By GEORGE W. STOCKING and MYRON W. WATKINS

This earlier volume, by the same authors, is a detailed report on cartel arrangements in eight fields where they have played an important role: sugar, rubber, nitrogen, steel, aluminum, magnesium, incandescent electric lamps, and chemicals.

\$4.00

—An indispensable source book—

America's Needs and Resources

By J. FREDERIC DEWHURST and ASSOCIATES

"Notable as a storehouse of information on the operations of the U. S. economy. It contains a wealth of statistics never before assembled in one place on such vital topics as consumer spending, productivity, natural resources . . . will get nationwide attention."—*Business Week*.

\$5.00

★ **THE TWENTIETH CENTURY FUND** ★

330 West 42nd Street

New York 18, N.Y.

===== *For Class Use or Reference* =====

INTERNATIONAL GOVERNMENT

By CLYDE EAGLETON, *New York University*

This revision is concerned with the slowly evolving constitutional law and organization of the community of nations, developing toward international, or world government. Stressing this point of view rather than international relations in general, the author's new work has been necessitated by events which took place before and after an historical point in the evolution of international government—the end of the League of Nations and the beginning of the United Nations.

575 pages, \$5.00

DEMOCRACY—The Threshold of Freedom

By HAROLD F. GOSNELL, *Research Consultant, Washington, D.C.*

This work fills a long-standing gap in the literature on suffrage and representative government by objectively appraising these two important democratic institutions in terms of how they actually work. The operation of suffrage is considered from its sociological implications rather than from a descriptive or historical point of view. The book will be useful as a text or collateral reading in such courses as Citizenship, The Democratic Process and Political Parties.

323 pages, \$4.00

THE ADMINISTRATIVE STATE

A Study of the Political Theory of American Public Administration

By DWIGHT WALDO, *University of California*

A study of the public administration movement from the viewpoint of political theory and the history of ideas. It reviews and analyzes the theoretical element in administrative writings and presents the development of the public administration movement as part of the history of American political thought. The book will be of particular value in college courses that cover this field, and in political science, public administration, and history libraries.

227 pages, \$3.25

PUBLIC ADMINISTRATION

By JOHN M. PFIFFNER, *University of Southern California*

This recently revised edition is an analysis of practical operation of public administration, focusing the extensive experience of the author on the functional approach to the study of municipal, state and national government. Careful consideration is given to all of the new developments in the field, with more thorough discussion of many subjects which were treated with less detail in the first edition.

621 pages, \$5.00

THE RONALD PRESS COMPANY

15 East 26th Street, New York 10, New York

A new Heath text which treats in non-technical fashion the major purposes of city government



American

Municipal Government and Administration

by Stuart A. MacCorkle*

This complete and well-organized text provides a balanced treatment of governmental and administrative problems. It is organized for use either in a course in municipal government and administration or in separate courses in either subject. Outstanding features: Special emphasis is placed on constructive citizenship—The principles of administration as well as the tools of management are given particular attention—Interaction and interrelations in municipal affairs are thoroughly covered—The influence of citizens' associations and professional organizations on city politics is clearly indicated.

* Professor of Government and Director of the Bureau of Municipal Research, The University of Texas.

D. C. Heath and Company

Boston New York Chicago Atlanta San Francisco Dallas London

INSIGHTS INTO LABOR ISSUES

By Richard A. Lester and Joseph Shister

Here are 13 essays, dealing principally with the important theoretical and practical issues in labor relations and wages, written by some of the younger labor economists, each a recognized expert in his field. Emphasis is placed throughout the book on analysis rather than description, and the topics discussed are of current, yet lasting, interest. The introduction outlines both the general content of the essays and their significance to employers, labor, government, and students. *Published February 17, 1948. \$4.00*

AMERICAN GOVERNMENT AND POLITICS

By Charles A. Beard

One of the first college textbooks to present a detailed functional study of American government, this text gives the student a thorough, sound knowledge of the organization and functions of American government and politics, and challenges the tendency to take for granted the easy perpetuity of constitutional government. In the ninth edition the author has expanded the discussions of the nature and maintenance of constitutional government, and of the tendencies implicit in recent changes. *Ninth Edition. \$4.50*

THE GOVERNMENTS OF EUROPE

By William B. Munro

This remarkable text gives readers a critical and comprehensive knowledge of the internal politics of the great powers, and of the structure and behavior of their respective governments. The author gets at the living principle or actual behavior of an institution and analyzes and describes it brilliantly. Many chapters are particularly remarkable for the clarity with which the author treats material that an American reader ordinarily experiences difficulty in understanding. *Third Edition. \$4.50*

THE MACMILLAN COMPANY 60 Fifth Avenue New York 11

THE DEVELOPMENT OF THE CONSTITUTION

By Percy Thomas Fenn, Jr.

This volume, the only one of its kind, provides a casebook in constitutional law for students in the social sciences in colleges and universities, rather than for students in the law schools. The author assumes that the needs of the two types of students are different and has designed the book accordingly. *price*, \$5.00.

BASIC ISSUES OF AMERICAN DEMOCRACY

By Hillman M. Bishop and Samuel Hendel

This book, intended for introductory courses in American government at the college level, presents over fifty articles, speeches, and documents which deal with fundamental issues of enduring importance in American government and focus attention on the meaning and value of democracy. The purpose of the book is to present *both* sides of controversial issues and to encourage intelligent thinking on the nature and implications of democracy rather than to explain legal technicalities and the machinery of government. *price*, \$2.40.

LEADING CONSTITUTIONAL DECISIONS

By Robert E. Cushman

8th edition

Now revised and enlarged to include cases decided through June, 1946, the new edition continues the balance maintained in earlier revisions between "the great decisions of the Supreme Court which have served as landmarks in the development of the American Constitutional system" and those cases which have current interest as throwing light upon problems with which the Supreme Court is now dealing. *price*, \$2.25.

INTERNATIONAL LAW

By Charles G. Fenwick

3rd Edition

This history of international law, its nature and scope, and its relation to national law is the most up-to-date treatment of the subject. It includes the developments resulting from the recent World War, the organization of the United Nations, and the development of the Inter-American Regional System. Current international problems are treated in the light of this legal and political backgrounds.

APPLETON-CENTURY-CROFTS, INC.
35 West 32nd Street, New York 1, New York

Timely Texts from McGraw-Hill

INTERNATIONAL POLITICS

By FREDERICK L. SCHUMAN
Woodrow Wilson Professor of Government
Williams College

Fourth edition—in press—ready for fall classes

Here is the new fourth edition of this well-known and widely-used text. Besides bringing up to date the narrative portions and reading lists, the author has rewritten many parts of the book in readable and stimulating style, and has included a wealth of new maps depicting graphically the evolution of the Western State System and the postwar world scene. An outstanding feature of the new edition is a series of challenging interpretations, conclusions, and forecasts which will stimulate critical and constructive thinking among teachers and students alike.

THE AMERICAN SYSTEM OF GOVERNMENT

By JOHN H. FERGUSON
Professor of Political Science
The Pennsylvania State College

and DEAN E. MCHENRY
Associate Professor of Political Science
University of California, Los Angeles

McGraw-Hill Series in Political Science. 900 pages, \$4.50

This postwar college text covers the essential features of the American system of government at all levels—national, state, and local. The authors offer timely treatments of foreign relations and the United Nations; federal powers, federally owned and operated enterprises; compulsory military training; and control of atomic energy.

THE AMERICAN FEDERAL GOVERNMENT

By JOHN H. FERGUSON and DEAN E. MCHENRY

McGraw-Hill Series in Political Science. 818 pages, \$3.75

Consists of those sections of *The American System of Government* which deal with the federal government.

Send for copies on approval

McGRAW-HILL BOOK COMPANY, Inc.

330 West 42nd Street

New York 18, N.Y.

"This is far and away the best thing in the field in its general conception of the scope of American foreign policy and foreign policy in action."
—From a reader's report

American Foreign Policy

By LAWRENCE H. CHAMBERLAIN and
RICHARD C. SNYDER

A vital and unusual combination of text and readings, this new book is especially suited to the present dynamic state of American foreign policy. It combines the history, recent developments, diplomatic relations, and current problems of our foreign policy in a series of speeches, agreements, treaties, scholarly articles, analytical and interpretive comments, and official documents and monographs. The authors have contributed introductions, original essays, and brief notes where existing materials are insufficient. 826 pages, \$5.00

American Experiences in Military Government in World War II

By CARL J. FRIEDRICH and Associates

A detailed, factual, and scholarly account of the American experience in military government, spiced by sharp criticism of policies and operations by forthright men who are not subject to official controls. 448 pp., \$3.50

United Nations Primer

By SIGRID ARNE

Completely revised in the light of recent disclosures, *United Nations Primer* gives a realistic, accurate account of postwar international political developments. 288 pp., text edition \$1.85

 **Rinehart & Company, Inc.**
232 MADISON AVENUE • NEW YORK 16, N. Y.

TO BE PUBLISHED

THIS SPRING

PRINCIPLES AND FUNCTIONS OF GOVERNMENT IN THE UNITED STATES

Edited by
Professor W. Leon Godshall, Lehigh University

This text was designed for a basic course in American National and State Government. It has a distinctive modern approach because the authors have combined the functional perspective with a sound structural analysis stressing the fundamentals of American government.

CONTENTS:

Part I. Foundations: The Study of Government . . . E. B. Shultz, Lehigh University; The Theory of the State . . . E. B. Shultz; Distinctive Government Systems . . . E. B. Shultz; The Beginnings of Government in the United States . . . L. H. Gipson and G. D. Harmon of Lehigh University.

Part II. Fundamental Principles: A Written Constitution . . . G. D. Harmon, Lehigh University; Territorial Distribution of Powers in a Federal System . . . L. W. Lancaster, University of Nebraska; An Independent Judiciary and Judicial Review . . . W. L. Godshall, Lehigh University; Limited Powers of Government . . . W. L. Godshall; Representative Government: Congress . . . L. W. Lancaster; Representative Government: The Improvement of Congress . . . L. W. Lancaster; Separation of Powers and the Presidency . . . L. W. Lancaster.

Part III. Instruments of Political Power: Immigration and Citizenship . . . H. F. Alderfer, Pennsylvania State College; National Suffrage and Elections . . . H. F. Alderfer; The National Party System . . . H. F. Alderfer; Pressure Groups . . . H. F. Alderfer.

Part IV. The National Administration: Public Administration . . . W. H. Edwards, Brockport State Teachers College; The Federal Civil Service . . . W. L. Godshall.

Part V. National Functions: Foreign Policy and Control . . . W. L. Godshall; National Defense . . . W. L. Godshall; Territories: The District of Columbia; The American Indian . . . W. L. Godshall; Raising National Revenue . . . J. H. Leek, University of Oklahoma; National Ex-

penditures and the Federal Debt . . . Eugene H. Miller, Ursinus College; National Currency . . . J. H. Leek; Foreign and Interstate Commerce . . . J. H. Leek; National Regulation of Business and Industry . . . J. H. Leek; National Regulation of Labor . . . J. H. Leek; National Aid to Agriculture . . . J. B. Bennett, United States Department of Interior; National Conservation . . . J. B. Bennett; Range and Variety of Federal Services . . . J. E. Stoner, Indiana University; Recent Trends in the National Government . . . L. W. Lancaster.

Part VI. The States in the Nation: The Position of the States in the Union . . . L. W. Lancaster; State Political Parties and Elections . . . H. F. Alderfer.

Part VII. State Government: Evolution of State Constitutions . . . D. W. Knepper, University of Houston; The State Legislature . . . D. W. Knepper; The Governor . . . D. W. Knepper; State Administration and Civil Service . . . W. H. Edwards; The State Judicial System . . . W. L. Godshall; State Finance . . . P. S. Sikes, Indiana University; The State Police Power . . . J. H. Leek; State Regulation of Business and Industry . . . W. B. Graves, Library of Congress; Economic and Social Functions of the States . . . W. B. Graves.

Part VIII. Local Government: Counties, Townships, and Special Districts . . . E. B. Shultz; The Relations Between Local, State, and Federal Government . . . E. B. Shultz.

Part IX. Conclusion: The American Philosophy of Government . . . E. P. Chase, Lafayette College.

Approximately 1000 pp. Cloth Illustrated
Probable price \$5.00

Write for an examination copy

D. VAN NOSTRAND COMPANY, INC.

250 FOURTH AVENUE, NEW YORK 3, N.Y.

1848

PUBLISHERS FOR ONE HUNDRED YEARS

1948

The big swing is to:

JOHNSON

GOVERNMENT IN THE UNITED STATES

Fourth Edition, 1947

976 pages

\$4.50

AMERICAN NATIONAL GOVERNMENT

Second Edition, 1947

690 pages

\$3.75

A recent survey of American Colleges and Universities shows a phenomenal increase in the number of institutions using one or both of the texts in the past five years. **More than fifteen times** as many colleges are now using "Johnson" as the average of the first ten years of publication. Reasons for this may be found in the following comments:

"... Professor Johnson always writes lucidly and forcefully."

Franklin L. Burdette, University of Maryland

"What was originally an excellent text has been made even better by revision. I particularly like the inclusion of the chapter on United States and International Organization."

Roger H. Wells, Bryn Mawr College

"My students like it for it is written in more understandable language than the usual text."

J. R. Johnson, Nebraska State Teachers College

"... one of the most manageable and best organized presentations of American Government available."

A. Leiserson, University of Chicago

"The revised edition is an improvement, specifically the charts and the addition of the first two chapters of background material."

George A. Tapper, Rider College

THOMAS Y. CROWELL COMPANY

432 Fourth Avenue

New York 16



Elements of Democratic Government

By J. A. Corry

Queen's University, Kingston, Ontario

"Professor Corry has skillfully combined an analysis of the basic theories underlying modern democratic governments with a description of the operation of such governments in the United States, England and Canada. His book will serve admirably as a text in beginning college courses designed to give students a more comprehensive view than they can obtain by concentration on the political institutions of their own country.

". . . It is interesting, clearly written, and free from the inconsequential details which encumber too many introductory texts on government. The author's emphasis on fundamentals and his willingness to take a stand on controversial matters, without ever becoming dogmatic, make this book a stimulating introduction to the study of government."—From a review by Elmer D. Graper, University of Pittsburgh, in the *Annals of the American Academy of Political and Social Science*

528 pages

\$3.75



Ready Shortly

Basic Constitutional Cases

Edited by C. Gordon Post, Frances P. DeLancy,
and Fredryc R. Darby, all of Vassar College

approximately 328 pages probable price \$2.50

OXFORD UNIVERSITY PRESS

114 Fifth Avenue • New York 11



Announcing **Select Readings in American Government**

Selected and Edited by

W. B. Stubbs and C. B. Gosnell
Emory University

*A broad approach to the study of American government
presenting:*

- A wide selection of materials for the beginning student. The documents range from *Magna Carta* to the "Truman Doctrine," the judicial decisions from *Marbury v. Madison* to *United States v. United Mine Workers*, the writers from Locke to Lilienthal.
- A wealth of primary source materials.
- Sufficient background material for a clear understanding of the roots of the American constitutional system.
- A balance between old and new material.
- Articles of lasting value.
- Thought-provoking introductions to each section of the book.

About 800 pp.

\$4.90

CHARLES SCRIBNER'S SONS

597 Fifth Ave., New York 17
274 Spring St., N. W., Atlanta 3

600 West Van Buren St., Chicago 7
55 New Montgomery St., San Francisco 5

**A new text "that fills a gap in the
fields of comparative government
and international politics"—**

Prof. John Kieffer, University of Alabama

This new book is a clear, comprehensive evaluation of the forces agitating world politics today. In it postwar domestic and foreign problems of more than 33 countries and regions throughout the world are described and analyzed. Today's world problems come alive against a background of yesterday's political experiments and social strivings. This book has been adopted for classroom use by 53 colleges and universities.

- "This book widens the horizon and interpretation of one world"—UN WORLD
- "The most satisfactory text for a college course in Comparative Government that is now available"—K. H. PORTER
U. of Iowa
- Covers events into 1947
- 595 pages, 5½ x 8½
- Textbook edition \$4.00

GOVERNMENT AND POLITICS ABROAD

Edited by Joseph S. Roucek, Chairman Department of Political Science and Sociology, Hofstra College; with the collaboration of Floyd A. Cave, San Francisco State College; Wilbert L. Hindman, U. of Southern California; Glenn E. Hoover, Mills College; and Thorsten V. Kalijarvi, U.S. Library of Congress

FUNK & WAGNALLS COMPANY • 153 East 24th Street, N.Y. 10

COMING SOON

Constitutional Dictatorship

A POLITICAL
STUDY BY
*Clinton L.
Rossiter*



\$5.00
At your bookstore

PRINCETON
University Press
Princeton, N.J.

HOW constitutional dictatorship has been used, in the past, to preserve democracy . . . and how it can be made safer and more effective for future crises.

The great and continuing western democracies, and the short-lived Weimar Republic, are studied here in the light of their severe national emergencies—war, rebellion, and depression.

The American Political Science Review

VOL. XLII

JUNE, 1948

NO. 3

THE EARLY DAYS OF THE RURAL ELECTRIFICATION IDEA: 1914-1936

MORRIS LLEWELLYN COOKE

Washington, D. C.

I

The genealogy of the rural electrification idea and the story of its gradual development through the years 1914-36 may have important implications in the study of governmental and social institutions. Up to a comparatively recent date, there have been no generally recognized laws influencing progress, whether as to science, government, or society. Progress has been recognized in the main as a matter of chance, or perhaps as something like a 100-to-1 shot in poker or horse-racing. With science, however, there is noticeable the small beginnings of a workable technique for making progress along predetermined lines. This might have been expected, since in science the items under study are relatively stable as compared with actions in government and society, and are more likely to be uniform when encountered.

In recent years, many scientific inquiries have been quite adequately financed, and coöperation on a national and international basis between thousands of researchers operating in the same or related fields, with full and free publication, has become a rule of the game. Note the strategy developed for the attack first on tuberculosis, and now in formation on the much more complex cancer problem. Yet these campaigns must be considered child's play compared with what is happening in the field of atomic fission. While it is true that in science team-play has become more and more the practice, notably in the medical field, the lone worker still persists in the academic world, where it is held that organization, especially in times of peace, means regimentation. The finest example of the application of science through organized coöperation

is in what the British call "operational research," applied first during World War II to the coördination of radar and anti-aircraft fire and, proving successful there, adopted for every phase of the fighting. Under this system, according to Waldemar Kaempffert, science editor of the *New York Times*, "zoölogists, geneticists, mathematicians, psychologists, anthropologists, physicists, and chemists worked together in teams to solve the problems presented by German bombers, the submarine menace, and the proper use of tanks and aircraft."

So if we are to make comparable progress in the policies and practices of society and government, we must work around to the view now coming to be held in the scientific world that failure to make progress, and increasingly rapid progress, is due to faulty approach and not wholly to the inherent perversity of human beings. This means stepping up interest in government and society, enlarging the number of workers, increasing funds available for research, and especially breaking down the conviction now so widely held that progress is a matter almost wholly of hit-or-miss and of chance. One misconception which bars our path to progress, whether it be in government, society, or in science, is the attitude toward the top man—the leader—found in every field of human endeavor.

The political and social concept known as the United States of America is respected throughout the world for its dynamism more than for the perfection of its organic structure or its record of achievement. However optimistically we at home may appraise its accomplishments, to date our 175-year-old democratic system—offspring of the Declaration of Independence and the Constitution—must be looked upon as still in the formative stage. To view it as static, or as in any way a finished product, spells ultimate defeat. In the light of British political experience, even our highly esteemed written Constitution has serious disadvantages which we must learn to offset.¹ All this is a short way of saying that in the development of policy and practice our democracy has a long way

¹ "The warmest friends and the best supporters the Constitution has do not contend that it is free from imperfections; but they have found them unavoidable and are sensible, if evil is likely to arise therefrom, the remedy must come hereafter. . . . I do not think we are more inspired, have more wisdom, or possess more virtue, than those who will come after us." (George Washington in a letter to Bushrod Washington.)

to go if it is to measure up to the dreams of the Founding Fathers and become an increasingly useful tool in the solution of social problems increasing in complexity day by day.

One outstanding and remediable weakness in our promising but far from finished democratic régime is our excessive and growing dependence on the top executive, whether it be the President of the United States, a governor of a state, a county commissioner, the head of a union, or the foreman of a road gang. Anthropologically speaking, this appears to be largely an inheritance from the omnipotent status of the tribal chief. But as practiced today it is frequently face-saving on the grand scale. A variety of the conditions of modern life necessarily tend to accentuate it. The rapid growth of scientific and other knowledge, the far-flung geographical sweep of problems that grow out of both the development of communication facilities and the "One World" or "Two World" concepts, and the highly integrated group pressures of ever wider range all seemingly make dependence on the top the path to security, peace, and plenty. But any reliance on the top for support beyond what it can logically and actually carry becomes a source of weakness in the body politic and in the long run must be compensated for.

Such compensation can best be effected through a more outspoken recognition of the part played in all progress by those at the lower levels of the official hierarchy of public administration, and even by those who with no shred of official responsibility, but under the urge of good citizenship, seek to participate in *pro bono publico* developments both large and small. This practice may involve at times what may be painful abnegation on the part of those in the higher brackets of assigned responsibility. At the same time, it will induce a far wider participation in the democratic process by those at lower and less official levels. There is seemingly no other way by which an increasing percentage of the whole people can be made parties to democratic progress.

Modern publicity methods make such a transition at times exceedingly difficult. The newspapers seem to struggle to make the top important far beyond reality and even possibility. This makes "build-ups" easy for any individual with plenty of nerve and not necessarily very much more. On the other hand, we have bred leaders—and are still breeding them—whose glory and peace of mind would be actually enhanced if they could be given recognition

only for what belonged to them and thus share with known and unknown coöperators credit for accomplishments.

No one will deny that without a George W. Norris, a Franklin D. Roosevelt, or a David Lilienthal we might have had to wait a long time for the competent demonstration of the widespread gains to be secured through river valley development such as is afforded by the Tennessee Valley Authority. Yet if a monument were to be erected to this enterprise, it would serve democracy best if a thousand others who have contributed to the result could in some way be included. That we do not know how to do it does not mean that it cannot and should not be done.

Similarly, if it had not been for Gifford Pinchot, George W. Norris, and Franklin D. Roosevelt, we certainly would not have had the rural electrification development we have today. Yet no one would claim that these three outstanding public servants had personally and on their own initiative more than a fractional share in the outcome. I doubt if three public officials more constantly generous in giving credit to colleagues could be found. Because I followed this development for the twenty years preceding the passage of the act creating REA, it has occurred to me to jot down significant events in this history and to note some names that otherwise might not receive the credit they deserve. It is my hope that this recital may spur public servants with the minimum of official status to act with assurance and in the light of hoped-for end results, as well as to encourage unofficial participation in the early beginnings of important enterprises. As we approach the "One World" concept, everything should be done to make the righteous deeds of inconspicuous individuals seem worth while. An act affecting, perhaps vitally, a town or a township may appear to be far from inspiring when viewed on an international scale.

This record is written, therefore, perhaps primarily to illustrate a theme vital to effective public administration as well as to tell an interesting story and thereby to carry out a deeply felt obligation to skillful colleagues whose devotion to the public welfare knew no bounds. In so far as was possible for men in high place with a multiplicity of interests and responsibilities, the following details were known to Senator Norris, Governor Pinchot, and President Roosevelt, with each of whom I had the privilege of working devotedly, and entirely happily, through eventful years. Each of

them took special interest in the rural electrification idea and would have wanted to see the details of the story brought together.

II

Around the turn of the century, farms here and there began to get electricity, largely on the owner's initiative, and usually because of specially favorable conditions. By 1910, certain of the urban commercial companies began to have an eye to securing customers in the near-by countryside among those so situated as to meet all installation charges and to pay rates somewhat higher than those usual in the city proper, where the customers were nearer to what was then known as the "lighting station." Among the technicians and operating men, there was a growing consciousness of the benefits to be derived from electricity on the farm. The manufacturers of equipment also began to envision the harvest later realized under R.E.A. Rural demand for electric service became increasingly vocal, so that in 1913 Secretary of Agriculture Wilson urged that the first census of farm electricity-users be made.

In the summer of 1914, the first electric rate case to be heard in Pennsylvania was initiated by Mayor Rudolph Blankenburg, known widely as "the old Dutch cleanser," against the Philadelphia Electric Company, operating throughout the city of Philadelphia. The public service commissioners, new to their jobs, refused to entertain the complaint pending the establishment of a *prima facie* case. Judge Isaac W. Pennepacker, bibliophile and satirist, and later governor of Pennsylvania, kept plaintiffs and defendants on their toes with his Pennsylvania German ideas as to what constituted good conduct. The novelty and informality of these proceedings were indicated by one of the commissioners smoking cigars continuously while "on the bench." It must be admitted that the complainants were ill-prepared for the responsibility of proving a technical case. Some of our experiences confirm the old adage that "One does not need to know French to use plaster of Paris." But we had good lawyers—William Draper Lewis, now director of the American Law Institute, and Harold Evans, a leader of the Philadelphia Bar. Mr. Evans' later services in behalf of rural electrification were invaluable. His article on "The World's Experience with Rural Electrification"² pointed out that rural service was an

² "Giant Power—Large Scale Electrical Development as a Social Factor," *Annals of the American Academy of Political and Social Science*, Mar., 1925.

accomplished fact in many foreign countries. As a member of the Pennsylvania Public Service Commission with Commissioner Scattergood—both Pinchot appointees—he drafted and obtained acceptance for General Order No. 27, specifying for the first time that a company operating in a rural area must extend its lines when there was at least one contracting consumer per mile, and that the company should pay the entire cost of the extension where there were three or more customers to the mile. While this approximates the standard later set up by REA coöperatives, it was considered so radical by the private companies that they failed to publish it in their official organ.

It was not easy in those days to get electrical engineers who would burn their breadwinning bridges behind them by testifying on the public side. Our staff of "experts" began with Clayton W. Pike, an M.I.T. graduate, who was serving under Mayor Blankenburg as chief of the city's electrical bureau. It also included Judson C. Dickerman, chief of the Bureau of Gas in the municipal administration, who drafted exhaustive tables showing rate comparisons city by city³—authoritatively rated as the best such study that had appeared up to that time. Dickerman later became deputy director of the Giant Power Survey and author of significant parts of its report.

By an act of God, we located in the then technical wilds of West Virginia the electrical engineer George H. Morse. Qualifying as an expert in those days was a ticklish matter. The aggressive opposition secured from Morse the names of all the places where he had been employed since college days, running from Nebraska to West Virginia. That night, telegrams went out to each of these towns in the hope that some bar sinister could be located and so break down our chief dependence.

Morse proved a most remarkable witness. Without having any access to the records or property of the company, he figured out "by induction" and with uncanny accuracy every detail of the plant. During three days of rigorous cross-examination, he made only one very unimportant slip, and somebody remarked that the error was fortunate for otherwise the witness would not have appeared human. A handsome settlement in the public interest was secured and approved April 19, 1916. Milo R. Maltbie, who for

³ These tables were published in the report of the Bureau of Gas for 1914.

many years has been the competent and respected head of the New York Public Service Commission, supervised the "out of court" settlement under appointment by the Pennsylvania Commission.

An incident amusing or painful according to the way you look at it occurred during these proceedings. The plaintiffs had just offered in evidence an ancient newspaper in which there was reported a speech by the president of the company in which he had explained the gruesome process of welding together the property of eighteen original and local companies—quite frankly described as "junk"—into the then Philadelphia Electric Company. At about this time, a friend encountered the president of the company wandering about the halls of the capitol, near the hearing room, wringing his hands and exclaiming "This is hell! This is hell!" On inquiring what was meant by hell the president replied "Oh, having one's baby torn to pieces like this!" The interrogator is said to have remarked, "You mean undressed, don't you?" This incident is significant because it illustrates the early beginnings of practically every one of our great municipal commercially-owned electric plants valued today at many billions and for the most part being operated with great skill.

A by-product of this P. E. Company case was the Utilities Conference held in Philadelphia in 1914, attended, among others, by the mayors of ninety-seven American cities, including the mayors of our ten largest cities. Resulting from this Conference was the organization of the Utilities Bureau to aid cities and the general public in safeguarding their interests in utility matters. Then followed the publication of the *Utilities Magazine*. Never before had the public interest in the utility field been consolidated on a national basis.

None of the engineers and other experts employed on this case had known the others before the case was started. None of them had had previous experience in such proceedings. Further, they hung together in succeeding years. In my opinion, the story begins here which twenty years later led to the enactment of the REA legislation. David had become master of his sling.

Then came World War I. Many of those who helped win the Philadelphia Electric case found employment in the Power Section of the Emergency Fleet Corporation. This afforded an opportunity both to broaden their own knowledge of power matters and to initi-

ate others into the "mysteries"—and such they were in the days of reproduction cost new valuations. At that time, the number of engineers, accountants, and economists who could and would support the public contentions against the private interests was pitifully small.

From 1910 on, there was increasing talk—hardly to be described as representing any deep-seated conviction or interest—within the commercial industry as to the possible future of electricity in agriculture. Much literature was circulated. Short experimental rural lines were installed amid much hullabaloo. The industry pointed with especial pride to a six-mile experimental line at Red Wing, Minnesota, with sixteen farms connected, each lavishly equipped with current-consuming devices. In the early thirties, I attended a rural electrification luncheon given by C. E. Groesbeck, then president of Electric Bond and Share. During its course an elderly participant, after clearing his throat ostentatiously, asked "Does Mr. Cooke know about Red Wing?" The answer was "Yes, but I would have been no more surprised if the gentleman had mentioned Deuteronomy." There followed considerable laughter.

So the educational work went on. By July, 1922, the demand for a real program had become so insistent that a meeting was held in Chicago attended by representatives of the commercial industry and some farm organizations, and resulting in the formal organization on September 11, 1923, of the Committee on the Relation of Electricity to Agriculture—an organization designed to continue the talk and at all costs to keep rural electrification in commercial hands.⁴

However the shadow of the Great Forester was looming o'er the land!

III

Pinchot and Giant Power. Even before Gifford Pinchot became governor of Pennsylvania on January 1, 1923, he had made a survey of the electrical and other utility industries as they were being conducted in the state.⁵ Based on his findings, he secured from the

⁴ For the private industry's story, see "Pioneering the Electric Farm, 1882-1923," a section in *Farm Electrification Manual*, published by Edison Electric Institute, 1947.

⁵ See *Public Utility Regulation* (New York, Ronald Press, 1924).

legislature authorization for a Giant Power Survey⁶ to study, among other matters, "the generation and distribution of electric energy such as will secure for the industries, railroads, farms, and homes an abundant and cheap supply of electric current" and "the practicability of the establishment of Giant Power plants for the generation of electricity by fuel power near coal mines." In describing this survey, Pinchot said: "We are studying the social needs first." He quoted the lawyers when consulted as saying: "Find out what you want to do and we will show you how to do it under the Constitution of the United States and the constitution of the commonwealth." The engineers—not to be outdone—he tells us, replied: "You say what you want to accomplish and we will show you how to do it."

Before the organization of the Giant Power Survey, practically all references to rural electrification had been casual or limited to a high-cost service and in no way suggestive of the present-day development. Even those more progressive executives like G. C. Neff, president of Wisconsin Light and Power, which provided service to farms in the region west of Milwaukee, practiced line development as contrasted with area coverage. We called these "snake lines," as they went now in one direction and then in another in order to reach the cream of the business. Usually a territory, once covered in this haphazard way, is precluded from being economically developed on an area basis where every farm is considered as an active or potential customer.

About midway in the Pinchot term (1923-27) there were some 200,000 farms having electric service; but many of these had home Diesel sets. The commercial companies still charged urban rates plus something to take care of the alleged extra costs. These rates ignored the fact that urban customers then used electricity almost exclusively for light, while farm users needed power in addition, and this latter is "a profitable load." Rural rates of from twenty to thirty cents per kilowatt hour were not exceptional, and this on top of the fact that the rural customer almost invariably paid the entire cost of building his extension.

About this time we began to hear more and more about the Ontario "Hydro Electric" and of its principal promoter—one of

⁶ See Giant Power issue of *Survey Graphic*, Mar., 1924, a very remarkable publication, edited by Robert W. Bruere and having, because of its imaginative sweep, plenty of present-day interest.

the great men of our time—Sir Adam Beck, Kt., LL.D. That it was bitterly attacked, principally by the commercial interests in this country, was probably a good thing because through the necessity for meeting these calumnies both the success and brilliant promise of the enterprise were widely advertised. The low "Hydro" rates—including rural rates—were constantly kept before our people, largely through the painstaking and convincing work of Judson King and the publications of his National Popular Government League. Much of this material was inserted in the *Congressional Record* by Senator George W. Norris and without doubt was influential in buoying him up in the early dark days which eventually led up to his legislation for TVA and REA. Perhaps the first article to describe in human terms what electricity can do, and which over large areas in the United States it has in large measure now done, to life on the farm is "Following the Hydro" by Martha Bensley Bruere in the Giant Power issue of *Survey Graphic*.

About 1912, the late Edward T. Stotesbury, then of the house of Morgan, brought Thomas E. Mitten from Chicago to reorganize and rehabilitate Philadelphia's traction system. Possibly simply to cut the rate paid for his electric power, but perhaps more likely as a phase of his developing emperor complex, Mitten, as the years went by, cast increasingly covetous eyes on the control of the Philadelphia Electric Company. He eventually came a cropper when in April, 1925, he lost out in a proxy fight for control of the company. But as a feature of this imaginative campaign, Mitten had conducted about five years before, 1919-1920, elaborate engineering studies on the feasibility of generating at the mines in central Pennsylvania the electricity required in Philadelphia and establishing in connection therewith huge chemical plants for the recovery of valuable by-products.⁷ He planned a great saving in expense by transmitting the current 235 miles on wires instead of hauling the required coal the same distance in cars. Curiously enough, this loss of a tremendous volume of bulk low-rate freight would have been welcomed by the Pennsylvania Railroad as freeing its tracks for an increased volume of more profitable business. Increasing trackage for a railroad going through territory already built up is attended by almost insuperable difficulties.

⁷ See *Economic Power Production*, edited by Otto M. Rau and privately printed in Philadelphia, 1920.

When the Giant Power Survey was organized, Otto M. Rau,⁸ an electrical engineer who had supervised the survey of the mine-mouth project for Mitten, joined the staff. He is a good example of the wide variety of talent which laid the foundation for the REA legislation. As a very young man, he wired his home—which he thought was the first house in this country to have electric light—a three-story weatherboard house in Jersey City. This was before the days when Edison incandescent bulbs were available. Rau used Swan bulbs imported from England. His power plant equipped with a fuel oil tank was located on the third floor and was a matter of constant anxiety to his family. It was the idea of mine-mouth generation and consequent long-distance transmission which captured the attention of the public and led the legislature to an adequate support of the Giant Power studies covering every phase of electrical development including the rural.

In the Giant Power Report⁹ of nearly 500 pages, about 150 pages were devoted to detailed studies of various phases of rural electrification, principally by George H. Morse and Judson C. Dickerman, carry-overs from the Philadelphia Electric case. These articles constitute the first handbook on the subject. Perry R. Taylor, who was later very active in REA—in fact, its first executive officer and *pro tem* administrator—had charge of the office administration and made the survey showing road mileages by townships and counties. This was somewhat like “making bricks without straw” in those days. An exhibit which interested the legislature was a farm on the outskirts of Harrisburg arranged for and sanely equipped by General Manager Palmer, of the Harrisburg Electric Company, against the violent opposition of the electrical industry. Among those who were active in Giant Power work, the attorney-general under Pinchot, George W. Woodruff, and his deputy, Philip P. Wells, who handled the legislation, were both distinguished carry-overs from Theodore Roosevelt’s kitchen cabinet.

The Distribution Cost Factor. On May 6, 1931, Franklin D. Roosevelt, as governor of New York, set up the Power Authority of the State of New York, under the chairmanship of a splendid man, Frank P. Walsh, to have as its principal concern the development of the water powers of the St. Lawrence River, jointly owned

⁸ Died May 20, 1947.

⁹ Report of the Giant Power Survey Board to the General Assembly of the Commonwealth of Pennsylvania, 1925.

by the United States and Canada. It soon developed that plans for marketing St. Lawrence power to small users—urban and farm homes—could not be developed in the absence of definite information as to distribution costs. Ample data as to the cost of transmitted current—generation costs plus transmittal cost—were available, but the public knew practically nothing as to what it costs to carry electricity from the boundary of the transmission zone through the distribution system to the various points of use by the smaller consumers. Yet the national bill for distribution at the time was almost equal to the national bill for generation and transmission combined. The private industry not only did not practice distribution cost-finding, but had actually taken steps to prevent the development of such cost-finding methods, presumably because if regulation rates were discovered to be too high, somebody would move to have them reduced, while if too low, nobody would be likely to move to have them raised.

So the Power Authority made a small appropriation to cover the expense of coördinating certain inquiries which had grown out of the Giant Power studies, and thus to solve "once and for all" the problem of distribution costs. The effort was completely successful.¹⁰ The resulting papers and others having coördinate interest were read at the Institute of Public Engineering meeting held on January 20, 1933, in New York City under the auspices of the Power Authority of the State of New York in association with the public service commissions of the District of Columbia, New York, and Pennsylvania. The proceedings were published in book form¹¹ and were generally admitted to be not only sound technically but an opening of the door both to urban and rural small-consumer service on actual cost plus a reasonable profit.

As a preliminary to conferences with the commercial electrical industry designed to push rural electrification by one means or another, and in order to confirm the conclusions tentatively arrived at to the effect that widespread rural electrification was gen-

¹⁰ Among those who worked on this problem who were carry-overs from Giant Power days were: O. M. Rau, August Ullmann, Jr., Judson C. Dieckman, George M. Morse, Clayton W. Pike, with new recruits including Willard E. Herring, T. Herbert Clegg (killed Nov. 21, 1933), Horace E. Kiefer, J. D. Ross, Roy Husselman, Ernest Bradford, and Harlow S. Person.

¹¹ "What Electricity Costs in the Home and on the Farm; A Symposium" (*New Republic*, 1933).

erally feasible; a two-day conference was held at the University Club in Philadelphia on August 11-12, 1933, attended by most of the engineers who had worked on the distribution cost study. Roy Husselman of Cleveland, Ohio, had had enlightening experiences in giving electric service to thinly built-up sections, and his testimony and that of Willard E. Herring, formerly in charge of Philadelphia Electric Company developments in Bucks county, Pennsylvania, were specially helpful.

It is clear from the correspondence of Gifford Pinchot recently deposited in the Library of Congress that in setting up the reconstituted Power Authority, Governor Roosevelt had sought his counsel. In fact, appointments were made to the staff of the Authority in line with recommendations which Governor Pinchot had made. Through his experience at Warm Springs, Georgia, and later as governor of New York, Roosevelt became convinced that electricity widely distributed at attainable rates would exert a powerful social influence. The use of electricity for pumping water was with him at least as important as for providing light.

The first official action of the federal government pointing the way toward the present rural electrification program came with the passage of the Tennessee Valley Authority Act on May 18, 1933. The act directed the Board of Directors of TVA to give preference in the sale of surplus power to states, counties, municipalities, and "coöperative organizations of citizens or farmers," and authorized the Board to construct electric transmission lines to "farms and small villages" in order to "promote and encourage the fullest possible" rural electrification.¹² The act expressly declared that the government's policy was to sell and distribute surplus power primarily "for the benefit of the people as a whole and particularly the domestic and rural consumers."¹³ Accordingly, sales to industry were to be utilized primarily to "permit domestic and rural use at the lowest possible rates" and "encourage increased domestic and rural use of electricity."¹⁴

Soon after the establishment of the Board of Directors of the Tennessee Valley Authority, the groundwork for the distribution of electricity in rural areas of the Tennessee Valley by means of consumer-owned coöperatives was begun. From the beginning, it

¹² Tennessee Valley Authority Act of 1933, Sec. 10 (48 Stat. 58, 64; 16 U.S.C., Sec. 831 *et seq.*, 1940).

¹³ *Ibid.*, pp. 64, 65.

¹⁴ *Ibid.*

has been the consistent policy of TVA, in the acquisition of operating electric systems, to effect, wherever feasible, the transfer of electric distribution properties serving rural communities to rural electric coöperatives, to serve as a nucleus for area-wide rural electrification. Encouragement and technical assistance were given by the TVA staff to local interested groups of farmers. On June 1, 1934, the first rural electric coöperative in the TVA area, the Alcorn County Electric Power Association, commenced operations with the transfer by TVA to the coöperative of the distribution properties serving Alcorn county, Mississippi, acquired by TVA in the acquisition of the properties of the Mississippi Power Company serving northeastern Mississippi. By July 1, 1935, two additional pioneer coöperatives, Pontotoc Electric Power Association and Prentiss County Electric Power Association, were operating distributors of TVA power in northern Mississippi, each having acquired a nucleus electric system by transfer from, and with the financial assistance of, TVA acting in accordance with its organic charter. As we shall see, this early experience with the coöperative device proved of definite value to the development of the present national rural electrification program.

Meanwhile, progress was being made toward attacking the rural electrification problem on a nation-wide scale. Early in 1934, Harold Ickes, Secretary of the Interior and Public Works Administrator, had his attention called to data which had been assembled by the Mississippi Valley Committee—including in its personnel several hold-overs from Giant Power and distribution-cost-study days—showing shockingly small amounts of rural electrification in the several watersheds constituting the Mississippi Valley.¹⁵ Of the six million farms in the United States, over 800,000 by that time had in some fashion been "electrified." But only about 650,000 had high-line service. Over five million farms were entirely without electric service.

The suggestion was made to Secretary Ickes that a commission be set up, half government and half commercial industry, with a government chairman to consider what should be done. The Secretary's reply was immediate and forceful: "I will have nothing to do with the blankety-blanks!" "Then will you consider a plan wholly

¹⁵ See "Report of the Mississippi Valley Committee of the Public Works Administration, Oct. 1, 1934, pp. 51-53, with accompanying illustrations.

under control of public authority?" "Can it be done?" "Yes." "Then shoot!"

On February 13, 1934, Secretary Ickes was given two copies of a report¹⁶ showing the financial and economic feasibility of rural electrification and its social desirability. One of the copies was given the next day to President Roosevelt and later was read with approval by Secretary of Commerce Daniel C. Roper, Harry Hopkins (in charge of relief), and others. Perhaps its bizarre black-and-white-striped cover kept it circulating among those in high place and so out of the wastebasket. It may be said that the reception accorded this report made certain that the federal government would see that rural electrification was made an essential feature in our economy, as had already happened over large parts of Europe. One of the features of this report was a letter from Vincent Nicholson, later to become General Counsel for REA, in which he recommended legal dependence upon the welfare clause of the Constitution. His advice was later acted upon, and his judgment has been fully justified. Lawyer Evans of P. E. Co., and Giant Power days, reported on how the proposed plan as finally adopted by REA would fit into the utility set-up in the several states.

By this time, Harry Hopkins' relief organization had been started and the engineering section under Jacob Baker, John M. Carmody, and Perry R. Fellowes¹⁷ had included rural electrification in its program—led to do so, according to the latter, because the initiative had been taken by relief officials in North Carolina and elsewhere. Some actual construction had been undertaken. Gradually, during the latter part of 1934 and the early part of 1935, plans began to take shape and a skeleton of personnel was assembled. Finally on May 11, 1935, President Roosevelt issued an executive order setting up the Rural Electrification Administration and allocating \$75,000 for administrative expenses. Morris L. Cooke was confirmed as administrator on May 20. The first allocation for projects—\$2,351,355—was made from relief funds on September 9, 1935.

¹⁶ See "National Plan for the Advancement of Rural Electrification under Federal Leadership & Control with State & Local Coöperation and as a Wholly Public Enterprise." A note on the title-page read: "This report can be read in 12 minutes. Supporting details will be found in the appendices."

¹⁷ Fellowes is now putting in an Ethiopian five-year plan or its equivalent for Haillie Selassie, Lion of Judah, and direct descendant of the Queen of Sheba. Perhaps it includes rural electrification.

In an effort to get the coöperation of the commercial companies in the new program, a conference was held in the old Interior Building in the late spring, with possibly sixteen top-ranking officials present. But our proposals seemed to them fantastic. This failing, a conference was held at the Lafayette Hotel with the officials of municipal plants located in different parts of the country. No one such plant was willing to carry its lines beyond the municipal boundaries in order to serve rural customers. With these two possibilities out of the way, an exploratory conference on the promotion of rural electrification through coöperatives was held on June 6, 1935, at which, among other things, Joseph C. Swidler of the TVA legal staff recounted the earlier experience of TVA in connection with the formation and operations of the Alcorn County Electric Power Association. The conference was most encouraging, and thus finally the plan for executing the program through co-operatives was devised; and it has proved increasingly successful.

As the general relief program got under way, President Roosevelt personally established certain standards to be observed in making expenditures so as to insure that the maximum of relief should go to those actually in need. One of these rules was to the effect that at least ninety cents on the dollar should reach those for whom the money had been specifically voted. We had not gone very far in our expenditures when, at a meeting at the White House, President Roosevelt asked me very pointedly whether our work in building rural lines met this test. The answer was "No!" Our experience had shown that a preponderant part of the expense was incurred in buying materials and equipment and in wages for skilled artisans whose services were required in setting up the lines. Curiously enough, a very small percentage of our outlays went for unskilled labor, the class then in direct need.

Fortunately, just at this time Senator Norris was speculating as to whether the time had not arrived for putting rural electrification on a permanent basis and thus detaching it from the relief program. There was an exchange of letters between him and the Rural Electrification Administration¹⁸ which led to the drafting of the new legislation and its introduction in the Senate by Senator Norris and in the House by Congressman Sam Rayburn. The REA Act was approved by President Roosevelt on May 20, 1936. During its life-

¹⁸ See *Rural Electrification News*, Vol. 1, No. 3 (Nov., 1935).

time, Congress has placed at the disposal of REA somewhat over 500 millions which, with the exception of a small percentage required for administration, has been loaned to coöperatives and will in due course be returned to the Treasury.

REA is the lineal descendant of the Philadelphia Electric case (1914-16), the Giant Power Survey (1923-1927), the distribution-cost studies of the Power Authority of the State of New York (1932-34), the passage of the TVA Act in 1933 after years of study and struggle, the report of the Mississippi Valley Committee (1933-34), and the depression with its necessity for finding work for the needy (1934-1936). Page the farmer and the farmer's wife on 3,500,000 farms and ask them whether this was a plant worth nurturing! Give Pinchot, Norris, and Roosevelt full credit for their masterful, courageous, and imaginative leadership; and then have a thought for possibly two score indispensable men and women down the line without whose willingness to work skillfully and conscientiously, with plenty of overtime, and sometimes in the face of the biting scorn of the opposing commercial interests, always at modest compensation and often without any compensation at all, such accomplishments would have been impossible.¹⁹

¹⁹ Most of the publications and documents cited above—several of them the only known copies—have been filed with the Library of Congress under the title of this paper.

NEW CONSTITUTIONS IN GERMANY

ROBERT G. NEUMANN

University of California at Los Angeles

When the European Advisory Commission in London debated the zonal division of Germany,¹ the original understanding was that the allied zones of occupation should not disturb existing administrative regions more than was absolutely necessary.² Nevertheless, a considerable redrawing of provincial and *Laender* borders took place, partly in order to prevent a *Land* from administering territory in more than one zone of occupation,³ partly in the interest of administrative simplification.⁴ The present division of Germany into "independent" *Laender* and autonomous provinces is, therefore, not a repetition of the pre-1871 set-up, but a new and often simpler form of organization.⁵

Under the Weimar Republic, these states had their own constitutions. However, the powers of the Reich government were so overwhelming and the scope of their "enumerated" functions⁶ so all-embracing, that relatively small scope was left to the *Laender* governments. The present situation is radically different. Now the *Laender* are the highest levels of government⁷ and, in addition to

¹ 1943-45.

² It was clear from the outset that this principle could not apply to Prussia, which, because of its size, importance, and location, would have given overwhelming superiority to any zone in which it might have been located. Since then, Prussia has been abolished as a state by order of the Allied Control Council.

³ The former Rhine Province, an administrative part of Prussia, was divided into a British-occupied state, North Rhine-Westphalia, and a French-occupied state, Rhineland-Palatinate. In a similar manner, both Wuerttemberg and Baden were divided between the French and the American zones, and the Prussian Province of Erfurt became part of Thuringia.

⁴ The new *Land* of Hesse was formed out of all or parts of the former *Land* Hesse, the Province of Hesse-Nassau, and the Province of Kurhesse.

⁵ Apart from the quadripartite-controlled city of Berlin, there are now the following *Laender* and autonomous regions: *U. S.*: Bavaria, Hesse, Wuerttemberg-Baden, Bremen, Enclave. *British*: North-Rhine-Westphalia, Schleswig-Holstein, Lower Saxony, Hamburg. *Soviet*: Thuringia, Saxony, Saxony-Anhalt, Mecklenburg-Vorpommern, Brandenburg. *French*: Rhineland-Palatinate, Wuerttemberg, Baden, and the partly separated Saarland.

⁶ Cf. German constitution of August 11, 1919, Arts. 6-15.

⁷ Neither the Council of Prime Ministers of the American Zone (*Laenderrat*) nor the new bi-zonal agencies for the British and American zones are full governments. Nor is the Central Administration (*Zentralverwaltung*) in the Soviet area a true zonal administration.

their previous functions, have had to absorb all pertinent activities previously exercised by the Reich government and its agencies. Such *Laender* constitutions as existed before were, therefore, of little help in drafting new instruments, and the various constitutional conventions and drafting committees paid relatively little attention to them. On the other hand, the experience of the Weimar constitution was studied avidly, and various national constitutions and forms of government were examined. Among the fundamental laws studied, the constitutions of the United States, France, and the Soviet Union received special attention. Although several constitutions⁸ envisage eventual absorption into an all-German state,⁹ they are in every form constitutions of seemingly sovereign states and not of mere members in a federal union.

If it is the goal of a constitution to lay down in short and meaningful terms the general organization of state and government, as well as the fundamental rights of the citizen, the new German constitutions fall far short of this ideal, although some of them are farther removed from it than others. The American founding fathers were content with confining their general expressions of aims and aspirations to a brief preamble to the constitution, while the rest of the instrument became another example of that eminently practical approach that has characterized Anglo-American legal documents since the days of Magna Carta. The fathers of the new German constitutions were not able or willing to take a similar course of action. As a result, all German constitutions not only are excessively long¹⁰ and therefore hardly capable of becoming "popular" documents, but betray the same desire for being "all-inclusive" characteristic of former German laws and constitutions. Thus meas-

⁸ Constitutions have now been adopted by all German *Laender* with the exception of the British zone of occupation where the drafting process is still in its earlier stages. The recently drafted constitution considered for the *Saarland*, which had not been ratified as these lines were written, was made with that area's special relations to France in mind and is not considered here.

⁹ Preamble to the constitution of Hesse (October 29, 1946); Art. 1 of the constitution of Thuringia (January 23, 1947). Cf. also Art. 41 of the latter document: "All-German law invalidates *Land* law" (*Gesamtdeutsches Recht bricht Landesrecht*). This provision follows the almost identical wording of Art. 13, Weimar constitution (*Reichsrecht bricht Landesrecht*.)

¹⁰ The Bavarian constitution of October 26, 1946, has a preamble and 188 articles. Most of the others have well over 100 articles, but the constitution of Thuringia is content with 81.

ures which might well have been left to ordinary legislation,¹¹ or executive orders and directives,¹² have been transformed into constitutional strait-jackets.

Another feature meriting criticism is the fact that in all documents lofty, general expressions of hopes and aspirations which no court could enforce¹³ are strewn around more or less haphazardly among more meaningful provisions. It would not be correct to say that the inclusion of mere verbiage does not cause any harm because it is simply disregarded. In the last analysis, a constitution stands or falls with the importance attributed to it by the people of a country. If a constitution is encumbered with a great deal of ballast, there is grave danger that, in popular esteem, it will follow a kind of Gresham's law and get the reputation of being meaningless altogether.

Any criticism of the many sweeping generalities contained in these new documents might be less severe if they actually proclaimed new ideas of government or philosophy. However, this is by no means the case. Apart from cautious, and often contradic-

¹¹ The perpetuation of the proportional system of representation. Cf. Bavarian constitution, Art. 14; constitution of Hesse, Art. 75; constitution of Württemberg-Baden, Art. 52.

¹² Cf. the minute directives to public school teachers (Bavarian constitution, Arts. 131-137; Württemberg-Baden, Art. 36; Hesse, Arts. 55-58; Thuringia, Art. 72), including even such trivia as the provision that "girls are to be trained in baby-care, education of children, and household management." (Art. 131, Sec. 4, Bavarian constitution.)

One well might wonder why the following provisions were elevated to the undeserved dignity of constitutional articles: "Schools shall not merely convey knowledge and ability, but shall also develop sympathetic hearts and character. The highest objectives of education are reverence for God, respect for religious convictions and human dignity, self-control, a keen sense for and ready acceptance of responsibility (*Verantwortungsgefühl und Verantwortungsfreudigkeit*), a willingness to help others, and receptiveness for all that is true, good, and beautiful." (Art. 131, Secs. 1 and 2, Bavarian constitution.) The Hessian constitution (Art. 56, Par. 4) admonishes teachers as follows: "The teaching of history must be directed towards a true, unvarnished presentation of the past. Special attention is to be paid to the great benefactors of mankind, to the development of the State, economics, civilization, and culture, rather than to warlords, wars, and battles. Concepts which endanger the foundations of the democratic state must not be tolerated."

¹³ Cf. Bavarian constitution, Art. 166, sec. 2: "Everyone has a right to make an adequate living by means of his labor" and the "right to adequate housing" (Art. 106, Sec. 1). Many other constitutions contain similar provisions. Since these "rights" are of course completely devoid of any legal enforceability, they belong in the realm of propaganda and have therefore been excluded from further consideration.

tory, passages permitting a certain amount of socialization, the German constitutions have merely absorbed the contents of various and divergent political pamphlets and party platforms. And how could it be different? The men who drew up these new constitutions were politicians imbued with the outlook of their respective parties. Far more than in the Anglo-American countries, political propaganda in Germany has always travelled on the highway of glittering generalities. Perhaps the framers built themselves a prison of *Weltanschauung* from which they could no longer escape. Such a development had already overshadowed the drafting of the Weimar constitution.¹⁴ It was even more in evidence after the downfall of the Nazi régime, when old and new political parties appeared from oblivion and were anxious to establish their ideas and principles in the public eye.

I. THE DRAFTING PROCESS

While Allied Military Government favored and furthered the idea of establishing constitutional documents at an early stage, none of the occupying powers took a direct hand in guiding the various drafting committees and assemblies in their work. Certain general principles were drawn up both by the U. S.¹⁵ and the Soviet authorities,¹⁶ but those were principles which the respective German groups would probably have observed in any case. Only in the British zone, where the turn-over of responsibility to the Germans has been far slower than elsewhere, is there no comparable development as yet.¹⁷

In the American and French zones, drafts were outlined by preparatory committees on which all political parties were represented. In the Soviet zone, finished drafts were submitted by the SED¹⁸ groups in the respective *Land* diets to the judiciary committee of the *Landtage*, but few changes were made there and a summary procedure seems to have prevailed both in the committees and in

¹⁴ Cf. the succinct observations of René Brunet, in *The New German Constitution* (English translation by J. Gollomb, New York, 1922), p. 197.

¹⁵ OMGUS (Office of Military Government for Germany, U. S.) directive of September 30, 1946, entitled: "Relationships Between Military and Civil Government (U. S. Zone) subsequent to Adoption of Land Constitutions."

¹⁶ Order No. 332 of November 11, 1946, Soviet Military Administration.

¹⁷ Purely provisional constitutions, such as the constitution for Hamburg (of May 15, 1946, as amended October 8, 1946) have not been considered.

¹⁸ The Communist-dominated Socialist Unity Party.

the plenary sessions of the diets.¹⁹ The SED-drafts therefore became virtually the texts of the new constitutions in the Soviet zone, which may also explain the great degree of similarity among them.

In the American and French zones, the drafts submitted by the preparatory committees were debated, article by article, in single drafting committees, each elected by its respective *Land* constitutional assembly, rather than in many specialized subcommittees. Prior to that, the various political parties had drafted certain principles in caucus and had submitted them to the drafting committees. Adoption by the Assembly was then assured.²⁰ Except for the Soviet zone, all constitutions were submitted to popular referenda and approved.

II. STATUS AND RELATIONSHIP TO A FUTURE ALL-GERMAN STATE

It seems that in order not to prejudice a future German federation or state, the *Laender* have generally avoided a precise legal definition of their status. The word "*Freistaat*"²¹ seems to prevail, but even that vague expression was too "separatist" for Thuringia²² and the term *Land* was used despite the fact that the former Thuringian constitution²³ had actually used the word *Freistaat*. Hesse was bold enough to declare itself a republic (Art. 65), while Wuerttemberg-Baden described itself as a "democratic and progressive people's state"²⁴ (Art. 43).

It was to be expected that the newly formed *Laender* would have to consider their relationship to a future German state. But while they wished to avoid the possibility of being tagged with a "separatist" label²⁵—always an explosive issue in Germany—they also

¹⁹ In Thuringia, for example, the SED group in the *Landtag* submitted its draft to the Judiciary Committee on December 4, 1946. The Committee reported to the *Landtag* two weeks later, on December 18. The *Landtag* approved the constitution unanimously two days later, on December 20, 1947—the time from which that constitution is dated.

²⁰ Cf. *Constitutions of Bavaria, Hesse, and Wuerttemberg-Baden*, issued by OMGUS, Berlin, February 15, 1947, p. 2.

²¹ Roughly translated as "republic," but without the sovereign connotation of the English expression.

²² That the omission of the word *Freistaat* was intentional is evidenced by the semi-official commentary of Dr. Karl Schultes. Cf. *Die Verfassung des Landes Thüringen* (Weimar, 1947), p. 5.

²³ Constitution of March 11, 1921, as amended December 21, 1926.

²⁴ "Wuerttemberg-Baden ist ein demokratischer und sozialer Volksstaat."

²⁵ No such compunction appears to have prevailed in the *Saarland*, whose *Landtag* adopted a frankly separatist constitution on November 8, 1947.

had to avoid the accusation of conducting "Pan-German" propaganda, which would have aroused the ire of Military Government. The *Laender* in the Soviet zone proclaimed themselves "parts of a German Democratic Republic" and promised to "regulate their public affairs within the framework of the German Democratic Republic." Similar provisions can be found in the constitutions of Hesse (Art. 64) and of Wuerttemberg-Baden (Art. 43). This position is further strengthened in the constitutions of Thuringia (Art. 41) and Hesse (Art. 153) to the effect that all-German law shall override *Land* law.²⁶ Similar, but less far-reaching is the passage of the Wuerttemberg-Baden constitution (Art. 105), pronouncing those constitutional provisions void which shall be found to be contrary to the text of a future German constitution.

The Bavarian constitution provides more cautiously that "Bavaria will join a future federal state" (Art. 178), but demands that such a federation be based on voluntary adherence and that the individual states retain a measure of autonomy.²⁷ The *Land* Baden is most non-committal. Its fundamental law merely provides (Art. 52) that any adherence to a future German constitution would necessitate a constitutional amendment. The aloof position of Baden is further accentuated by the establishment of the position of a state president who combines this high office with that of prime minister.²⁸

The German states of the Western zones envisage the existence of interstate²⁹ and interzonal³⁰ authorities and pledge coöperation with the consent of the *Landtag*.³¹ The constitution of Hesse de-

²⁶ The question of what constitutes all-German law is not quite so clear as it may appear. Ordinarily one might presume that this means the national law of a future German Republic. However, there are some indications that many believe in the existence of a *Reich* law, although there is no *Reich*, and that the *Laender*, acting as if in lieu of the lacking all-German legislature, should abrogate this "law" only when necessary. Such a viewpoint is vaguely indicated by Schultes, *op. cit.*, pp. 5-6. In this connection, it may be of some interest to note that the Soviet Military Administration found it necessary (Order No. 110, October 26, 1945) to empower the *Laender* specifically to amend *Reich* law.

²⁷ The German term is *staatsrechtliches Eigenleben*.

²⁸ The creation of a state president was widely discussed in Bavaria, but eventually discarded.

²⁹ The interstate council (*Laenderrat*) of the U. S. zone came into effect on October 17, 1945.

³⁰ The agreement for the economic merger of the British and U. S. zones was signed December 2, 1946, by Secretaries Bevin and Byrnes.

³¹ Art. 106, constitution of Wuerttemberg-Baden, provides that the constitu-

mands, in addition, that any transfer of power to an interstate agency should be permissible only if the officers of such agency are directly or indirectly selected by a democratic process (Art. 152).

III. CIVIL LIBERTIES AND FUNDAMENTAL RIGHTS

All German constitutions are most liberal in "guaranteeing" every conceivable kind of "right." Thus, freedom of speech, press, assembly, religion, and association, as well as something like habeas corpus, are established. In addition, the *Laender* of the Western zones prohibit censorship and punishment on the basis of an ex post facto law,³² as well as double jeopardy. A closer scrutiny will reveal, however, that all of these rights are considerably circumscribed. Above all, the ominous wording of the Weimar constitution,³³ to the effect that civil rights are guaranteed "within the limits of the law," makes its reappearance everywhere. In addition, the infamous Article 48 of the Weimar constitution also enjoys a rebirth in some states. Most far-reaching is the situation in Bavaria and Wuerttemberg-Baden, where the government may suspend freedom of speech, press, assembly and invoke censorship "when public safety and order are in danger" (Art. 48, Bavarian constitution), or when there is "imminent danger" (Art. 79, Wuerttemberg-Baden). It is true that the *Land* government must inform the *Landtag* of its action immediately and set it aside when the Diet so demands. But it is only too well remembered how the virtually identical wording of Article 48 of the Weimar constitution did not prevent the rule by decree which characterized the last years of the Weimar agony. Advances, however, have been made. Both constitutions put a time limit on the prolongation of the emergency measures by the *Landtag*,³⁴ and Bavaria specifically allows an appeal to the Supreme Constitutional Court (*Verfassungsgerichtshof*). The Weimar constitution provided for neither. The time-limit would hamper the exercise of dictatorial powers only if Government and *Landtag* were at odds. Otherwise, there is virtually no stopping of the *Landtag* when emergency actions are supposedly required by danger to "public safety, morality, health, and wel-

tion shall not hamper the government's work in interstate agencies. However, the government remains responsible to the *Landtag* for its actions.

³² Unless the ex post facto law is more favorable to the accused than the statute under which the offense was committed. Cf. Baden constitution, Art. 116.

³³ Arts. 111-118, 123-126, 135-137, 153.

³⁴ One month.

fare."³⁵ The check on these and other powers by the Supreme Constitutional Court would indeed be a great step forward if this august tribunal would free itself from the customary servility of German courts to the executive branch. So far this and similar courts have given no evidence of either courage, independence, or imagination.

Somewhat less sweeping is the emergency article of the Hessian constitution (Art. 125), giving the right to the *Landtag* to suspend with two-thirds majority the rights of press and assembly, and establish censorship if it resolves that "the constitutional system is in danger." The time limit here is three months. In Baden (Art. 18), only the right of assembly in the open air may be suspended in an emergency.

No special emergency provisions exist in the constitutions of the Soviet zone, but the phrase that civil liberties may be "restricted only by a general law"³⁶ is sufficiently broad for such purposes. It should also be noted that under the constitution of Thuringia the so-called "permanent committee" of the *Landtage* may pass laws³⁷ in an emergency, but must submit them to the *Landtag* immediately.³⁸ Finally, there is no judicial review in the Soviet zone.³⁹

None of these rights can be claimed by those tried or disfranchized under the denazification and demilitarization laws. Some constitutions put a time-limit on this particular provision,⁴⁰ and by the time specified the process of denazification will presumably be over, the worst offenders punished, and the lesser offenders will be deemed ready for re-entry into the political community. These time limits are, however, of a declaratory character only. If Military Government insists on retention of the denazification laws and their continued enforcement, no German constitution will be able to hold out against that. If, however, Military Government should

³⁵ Art. 98, Bavarian constitution, reads as follows: "The fundamental rights guaranteed by the Constitution may, on principle, not be restricted. Restrictions by law are permissible only if public safety, morality, health, and welfare compel it (*zwingend erfordern*). Other [italics mine] limitations are permissible only under the conditions of Article 48. The Supreme Constitutional Court must declare laws and ordinances void which restrict a fundamental law *contrary to the constitution* [italics mine]."

³⁶ Thuringian constitution, Art. 3, Sec. 3.

³⁷ Art. 18, Sec. 2.

³⁸ The institution of a permanent committee was known to the Weimar constitution (Art. 35, sec. 2). Its legislative power, however, is an innovation.

³⁹ See below.

⁴⁰ Württemberg-Baden, January 1, 1949 (Art. 104); Baden, December, 1948 (Art. 128); Hesse, December 31, 1950 (Art. 157).

either reverse itself⁴¹ or withdraw from Germany, a speedy end to all serious denazification, except for a few key figures, could be safely predicted.

IV. THE LEGISLATURE

With one exception, all *Laender* constitutions provide for a powerful, unicameral legislature. Only Bavaria has a second chamber—the Senate⁴²—a primarily advisory body which cannot hold up legislation for more than a month.⁴³

In the Soviet zone, the legislatures are supreme and their power virtually unrestricted. They are proclaimed the “highest organ of the democratic will.”⁴⁴ All other powers are subject to their hegemony; even the bureaucracy is directly controlled by them.⁴⁵ But also in the *Laender* of the Western zones the legislative branch is the most powerful part of the government, even where the principle of the separation of powers has been formally proclaimed,⁴⁶ or where a feeble attempt is made to make the executive branch independent from the *Landtag*.⁴⁷

The German states follow the example of the new French constitution⁴⁸ in authorizing the legislature to elect the prime minister

⁴¹ On December 24, 1946, General Joseph T. McNarney proclaimed an amnesty for former Nazis belonging to class 3 (minor offenders) and 4 (followers) under the classification of Art. 4 of the “Law for Liberation from National Socialism and Militarism” of March 5, 1946, enacted by the *Laenderrat* and promulgated for Bavaria, Hesse, and Wuerttemberg-Baden. Cf. James K. Pollock and James H. Meisel, *Germany under Occupation* (Ann Arbor, 1947), pp. 179–196.

⁴² The members (60) of the Senate are elected by 10 different professional and interest groups representing: agriculture (11), industry and trade (5), craftsmen (5), labor unions (11), professional men (4), coöperatives (5), religious groups (5), welfare organizations (5), universities (3), and local government (6). Art. 35.

⁴³ In case the *Landtag* declares a bill “urgent,” the Senate must make up its mind within one week. Art. 41.

⁴⁴ Constitution of Thuringia, Art. 8, Sec. 1.

⁴⁵ *Ibid.*, Sec. 4.

⁴⁶ Constitution of Wuerttemberg-Baden, Art. 48.

⁴⁷ Constitution of Bavaria, Art. 44, Sec. 1; see discussion below under “The Executive Branch.”

⁴⁸ Art. 45 of the French constitution of September 28, 1946, provides that the prime minister-designate must receive a formal vote of confidence in the National Assembly before he can proceed with the formation of his cabinet. Since the German *Laender* have no equivalent to the French President of the Republic, there is no person who can “designate” the prime minister to be. Presumably, direct contacts between party leaders or caucus decisions will produce the persons most likely to form a government.

(*Ministerpräsident*), rather than making him appointive by a chief executive as under the Weimar Republic (Art. 53). Since the provisions have all been closely modelled on the 1919 constitution (Arts. 20–40), the rules of procedure are quite uniform in all regions. Thus the legislatures may compel the presence of a cabinet minister, while the ministers in turn have a right to attend all sessions and committee meetings whether members or not, and to be heard, even though their topic of discussion may not previously have been placed on the agenda. Upon the request of a certain percentage of its members,⁴⁹ the *Landtage* may establish investigating committees which are to be guided by the analogous application of the law of criminal procedure—the latter provision being one of the few which might be profitably emulated elsewhere. The legislators have their customary privileges and immunities, and such information as they may gather in the course of their duties is considered privileged; they may not be forced to divulge it in court. Accurate publication of debates may not cause any prosecution or disciplinary action whatsoever.

All *Landtage* have “permanent committees to look after the interests of the legislature when the latter is not in session. However, the Thuringian constitution is unusual in granting its permanent committee the right to pass legislation “when urgently necessary” (Art. 18), to be submitted, however, to the following session of the *Landtag* without delay. Only constitutional amendments are excluded from this sweeping power.

All *Landtage* can be called into extraordinary session by the president of that body, by the Government or prime minister, or upon request by a certain number of members, ranging from one-third to one-fifth. The *Landtage* may be dissolved before their expiration date if a majority of their members so demand.⁵⁰ They may also be dissolved by popular referendum;⁵¹ but in Bavaria (Art. 18, Sec. 3) and Württemberg-Baden (Art. 58) 100,000 voters must support the proposal. In Hesse (Art. 114), it is further ordained that in case no Government has received a vote of confidence twelve days after the convocation of a new session of the legislature, the *Landtag* is automatically dissolved.

With the exception of the Soviet zone, all constitutions prohibit

⁴⁹ Usually one-fifth.

⁵⁰ Not in Württemberg-Baden.

⁵¹ Not in Hesse.

the transfer of legislative power by the *Landtag*—indicating that the incident of Hitler's "Enabling Act"⁵² is well remembered. However, all constitutions give considerable freedom to the popular initiative and referendum, providing only that certain matters, such as salary schedules, taxation, and the budget shall not be submitted to a referendum, presumably because of the highly technical character of such legislation.⁵³ Requirements for a popular initiative range from one-tenth to one-fifth of the total number of qualified voters. In Thuringia, the initiative may also originate with any legal party or democratic organization which shows evidence that it represents at least one-fifth of the qualified voters of the *Land* (Art. 38, Sec. 1).

Once the referendum has been launched in accordance with the constitution, it can be stopped only if the *Landtag* passes the law which the referendum is intended to realize or if the voters reject it. In Bavaria, however, the *Landtag* may submit its own draft to the people together with an original referendum proposal with which it may disagree (Art. 74, Sec. 4.)

Despite unfortunate experiences with the impersonally arithmetical list-system of proportional representation, PR has again triumphed everywhere. To make quite sure that candidates shall be selected by the party bureaucracies and not by the voters, PR has been anchored in all constitutions except that of Baden.⁵⁴ In order to prevent the appearance of many small parties, the three *Laender* of the American zone have adopted provisions by which political parties which fail to accumulate a certain minimum percentage of the vote may be deprived of representation.⁵⁵ Having thus violated one of the fundamental tenets of PR—the doctrine that all groups of voters must be represented, without achieving the stability, directness, and clear-cut alternatives of the Anglo-American system, this modified PR version merely succeeds in combining the disadvantages of both electoral systems.

⁵² "Law for the Relief of Distress of Nation and Reich," March 24, 1933, *Reichsgesetzblatt*, I, p. 141.

⁵³ Cf. Art. 73, Weimar constitution.

⁵⁴ However, the electoral laws of Baden have also introduced the proportional list system.

⁵⁵ The Bavarian constitution specifies that parties which fail to receive at least one-tenth of the total vote *shall not* be represented in the Legislature (Art. 14, Sec. 4). Wuerttemberg-Baden does the same, but leaves it to legislation whether such a condition shall be imposed or not (Art. 52). Hesse takes a similar stand, but limits the minimum vote which may be required to five per cent (Art. 75).

V. THE EXECUTIVE BRANCH

The organization of the executive branch is closely modelled after Articles 52-59 of the Weimar constitution. The prime minister (*Minister-praesident*)⁵⁶ is more than a *primus inter pares*. He alone is elected by the *Landtag*; the other ministers are appointed by him.⁵⁷ It is also stipulated in all new constitutions that the prime minister, like the Reich Chancellor before him, shall determine the broad outlines of government policy. However, under existing legal and political conditions, this cannot be considered very much of a power. While the ministers are responsible to the prime minister, they are also responsible, individually and collectively, to the *Landtag*. Moreover, all constitutions lay down certain rules of procedure for the *Land* cabinet, among them the provision that cabinet decisions shall be made by a majority of ministers. But the greatest deterrent to a single, powerful chief executive is the prevailing multi-party system, which creates coalition governments⁵⁸ and in practice makes ministers responsible to their parties rather than to the prime minister or to the *Landtag*.⁵⁹

A peculiar attempt at strengthening and stabilizing the executive was made in Bavaria. While all of the other constitutions merely provide that the *Landtag* shall elect the prime minister, the Bavarian constitution has the *Landtag* elect him for a term of four years (Art. 44, Sec. 1). This was quite obviously an attempt to combine the stability of the American presidency with the responsible character of a parliamentary régime. This conclusion is reinforced by a resolution of the Bavarian *Landtag* stipulating that a vote of non-confidence or censure shall not automatically bring about the resignation of the cabinet. While the first section of Article 44 seems determined to strengthen the position of the exec-

⁵⁶ In Baden, *Staatspraesident*.

⁵⁷ But usually need the consent of the *Landtag*. In Wuerttemberg-Baden, the prime minister may also dismiss a minister (Art. 70). In Bavaria (Art. 45) and Hesse (Art. 112), the prime minister needs the consent of the *Landtag* for the dismissal of ministers.

⁵⁸ In view of the present emergency, there are coalition governments in most German states, even though certain individual parties could command a majority in the *Landtag* without entering into any combination with other groups. Cf. Robert G. Neumann, "The New Political Parties of Germany," in this REVIEW, Vol. 40, p. 749 (1946).

⁵⁹ On September 15, 1947, the four Social Democratic ministers in the Bavarian cabinet were forced to resign against their will by a decision of the state committee of their party.

utive, the third section of the same article retracts: "He [the prime minister] must resign when political conditions make impossible, between him and the *Landtag*, coöperation on the basis of mutual confidence."⁶⁰

Just what constitutes a "condition which makes coöperation impossible" is perhaps difficult to say, but one might safely assume that the adoption of a resolution of "no confidence" by the *Landtag* would present a very strong presumption, to say the least, that the above-mentioned "condition" exists. The practical effectiveness of the four-year term must therefore be subject to considerable doubt.⁶¹

Hesse (Art. 119) and Baden (Art. 94) give their Governments the right to refer back to the legislature for further consideration any law of which the executive disapproves. However, in order to override this suspensive veto, the *Landtag* does not need any larger majority than was necessary in order to pass the law in the first place. In Baden, the executive is allowed one more step in order to prevent the adoption of an obnoxious law: the cabinet whose veto has been overridden by the *Landtag* may submit the bill to a popular referendum for a final decision.⁶²

VI. THE ADMINISTRATION OF JUSTICE AND THE QUESTION OF JUDICIAL REVIEW

There are few aspects of German public life into which the perversions of Nazism have made such deep inroads as those of law and justice. The authors of the new German constitutions therefore found it necessary to make certain that a repetition of some of the worst malpractices would not occur—or at least not under constitutional sanction. The Nazis had abrogated the principle that no one shall be tried except on the basis of law (*nulla poena sine lege*).⁶³ They abolished the provision of the Weimar constitution (Art. 105) according to which no person could be deprived of trial before a competent judge having jurisdiction over him.⁶⁴ They established

⁶⁰ Art. 44, Sec. 1: "Der Ministerpraesident kann jederzeit von seinem Amt zuruecktreten. Er muss zuruecktreten, wenn die politischen Verhaeltnisse ein vertrauensvolles Zusammenarbeiten zwischen ihm und dem Landtag unmoeglich machen."

⁶¹ The terms of all prime ministers expire automatically at the beginning of the first session of a newly elected *Landtag*.

⁶² The emergency powers of the Governments have been discussed under the heading "Civil Liberties and Fundamental Rights."

⁶³ Cf. Law on the Imposition and Execution of the Death Penalty (*lex van der Lubbe*), March 29, 1933, *Reichsgesetzblatt*, I, p. 151; Law of June 28, 1935, *Reichsgesetzblatt*, I, p. 839, amending Section 2 of the German Criminal Code.

⁶⁴ Decree of November, 20, 1938, concerning the establishment of the *Sonderge-*

special courts,⁶⁵ not bound by law, whose grim reaping made the Court of Star Chamber look like a board of welfare. The Nazis also deprived the bench of all security and independence, converting it into a blind tool of dictatorship.⁶⁶

The new constitutions undertake to change all that. There is to be no punishment except on the basis of law; no person is to be tried by any judge other than the regularly appointed one; nor is anyone to be deprived of his day in court. The already mentioned quasi-habeas corpus would also seem to make "administrative" punishment and imprisonment without trial or sentence difficult.⁶⁷ All "special" courts are expressly forbidden, and in the Western zones the bench has again been made irremovable during good behavior. An exception to this rule is found in the constitution of Hesse (Art. 127), which provides that the Supreme Constitutional Court (*Staatsgerichtshof*) may remove a judge from the bench upon the request of the *Landtag* "if he does not fulfill certain expectations." These expectations, outlined in Section 1 of the same article, are the same upon which his original appointment is contingent, namely, "the expectation that he will exercise the functions of his office in the spirit of democracy and social understanding."⁶⁸

In the Soviet zone of occupation, the position of the judge is less secure. Article 47, Sec. 1, of the Thuringian constitution reads: "Judges are independent in their administration of the law and subject only to the law."⁶⁹ This means that the judge shall be in-

richte, *Reichsgesetzblatt*, I, p. 1632.

⁶⁵ Law concerning the People's Court (*Volksgerichtshof*) of April 18, 1936, *Reichsgesetzblatt*, I, p. 369.

⁶⁶ Law on the Reestablishment of the Professional Civil Service, April 7, 1933, *Reichsgesetzblatt*, I, p. 175, later replaced by the German Civil Service Act, January 26, 1937, *Reichsgesetzblatt*, I, p. 39. Decree on the Coördination of the Judiciary, August 20, 1942, *Reichsgesetzblatt*, I, p. 535. For the practice of issuing periodic directives to judges, cf. speech by Minister of Justice Otto Thierack, *Deutsche Justiz*, October 26, 1942; for a brief description of this unique method of telling the judges what and how to decide, cf. John Herz, "German Administration Under the Nazi Régime," in this *Review*, Vol. 40, p. 701 (1946).

⁶⁷ This is to prevent the return of "Protective Custody" and "Judgments by the Good Sense of the German People." Cf. law of June 28, 1935, *loc. cit.*

⁶⁸ However, a judge may still be dismissed for cause by ordinary judicial decision. (Art. 128). Frequently this is accomplished by a special "In-Service Court" (*Dienststrafhof*); cf. Art. 88, constitution of Wuerttemberg-Baden.

⁶⁹ "Die Richter sind in ihrer Rechtsprechung unabhaengig und nur dem Gesetz unterworfen."

dependent merely in the exercise of his office, i.e., not bound by superior orders, but nothing is said about the personal independence of judges or their irremovability except for cause.⁷⁰ That this was not merely an oversight or unhappy wording is pointed out by an authoritative commentator,⁷¹ who observes: "The principle according to which judges are appointed for life . . . contradicts the demands for a democratization of justice, and favors the development of a class of judges remote from life and hostile to the interests of the people."⁷²

It is clear that the doctrine of the absolute superiority of the legislature over all other branches of the government cannot easily be reconciled with the doctrine of judicial review. Consequently, in the Soviet zone, where legislative hegemony is extolled, judicial review is expressly rejected. "The courts," declares Schultes,⁷³ "shall not be set up for the purpose of controlling the highest exponent of the country's democratic will."

The Thuringian constitution contains a provision which to the superficial observer might look like a form of constitutional, though not judicial, review (Art. 43, Sec. 2). It establishes a Constitutional Examination Committee (*Verfassungsprüfungsausschuss*) consisting of the president of the *Landtag*, the three vice-presidents, two judges—one from the highest regular court in the *Land* (*Oberlandesgericht*) and one from the highest administrative court (*Oberverwaltungsgericht*)—as well as a representative of the law faculty of Jena University. The committee examines laws at the request either of the cabinet acting in coöperation with the judiciary committee of the legislature, or of one-third of the members of the *Landtag*. The committee's decisions are final. Such a committee might possibly satisfy the famous demand of Abbé Siéyès for a "constitutional jury."⁷⁴ But as an instrument for the protection of the constitution against legislative infringement, it is as ineffectual as its modern French counterpart.⁷⁵ If even courts cannot free

⁷⁰ Cf. Bavaria, Art. 87; Hesse, Art. 127; Wuertemberg-Baden, Art. 88.

⁷¹ Schultes, *op. cit.*, p. 16.

⁷² This argumentation is quite reminiscent of Nazi ideas propagated for the similar purpose of making the bench pliable. Cf. E. R. Huber, *Verfassungsrecht des Gross-deutschen Reiches* (Hamburg, 1937/39), pp. 276-281.

⁷³ *Op. cit.*, p. 15.

⁷⁴ A. Esmein, *Éléments de Droit Constitutionnel Français et Comparé* (8th ed., by H. Nèzard, Paris, 1927-28), Vol. I, p. 638.

⁷⁵ Constitution of 1946, Arts. 91-93.

themselves entirely from partisanship, it stands to reason that a committee of this sort would be bound to become a foot-ball of politics. Moreover, as this committee is dominated (four to three) by representatives of the legislature, it is not likely that a law passed by that same legislature will be held unconstitutional by its foremost representatives—especially when one considers the high degree of party-discipline customary in Germany, and especially in the Soviet zone.⁷⁶

By contrast, the constitutions of the Western zones are most explicit in their devotion to the principle of judicial review. Nowhere is final decision upon the constitutionality of a law or decree vested in an ordinary court; everywhere it is reserved for a Supreme Constitutional Court, sometimes called Constitutional Court (*Verfassungsgerichtshof*), sometimes Court of State (*Staatsgerichtshof*).⁷⁷ Whenever an ordinary court entertains doubts about the constitutionality of a law, it must refer the question to the Supreme Constitutional Court;⁷⁸ and the decisions of this tribunal are binding and have the force of law. With this arrangement, which constitutes a very considerable step forward from the Weimar Constitution,⁷⁹ the framers hoped to emulate the experience and practice of the United States, and expected to erect a formidable barrier against unconstitutional arbitrariness.

While the American and Western German systems show a considerable degree of structural similarity, there are a number of factors in the German set-up which cause the observer to be less sanguine in his prediction of success. Much has been made of the differences between the Anglo-American and the (Roman) Civil Law systems, and it has been argued that no real judicial review

⁷⁶ One might also question the effectiveness of review based on general rationalization rather than on a concrete case.

⁷⁷ Not to be confused with the *Hohe Staatsgerichtshof* (Baden constitution, Art. 112), which is a court for the trial of impeachments. It is differently composed.

⁷⁸ The Supreme Constitutional Court, in turn, will concern itself only with the constitutional question involved. Final disposition of the case lies with the regular courts.

⁷⁹ The Weimar constitution envisaged a *Staatsgerichtshof* (Art. 108; also Arts. 15, 18, 170, 171), which was established by law of July 9, 1921, *Reichsgesetzblatt*, p. 905. The *Staatsgerichtshof* was actually a court of conflicts and arbitration rather than a constitutional court in the American sense. It exercised no judicial review. The Supreme Court (*Reichsgericht*) did decide on November 4, 1925, that it was competent to pass on the constitutionality of a Reich law (*Entscheidungen des Reichsgerichts in Zivilsachen*, III, p. 320), but that decision remained without practical consequences.

could ever emerge without the operation of *stare decisis*. However, this difficulty is probably more apparent than real, for under the Common Law system the judge is not nearly as tightly bound by precedent as his Civil Law colleague presumes; nor is the Civil Law judge as free from the binding power of past judicial decisions as is frequently believed in English-speaking countries. But the Anglo-American system gives the judge an unexcelled position of independence and majesty which enables him to sit in judgment upon the powers of government. Where the judge is used to being merely a narrow expositor of the legislature's and executive's *ipsissima verba*, as is customary with German judges, the chances for a successful habit of judicial review are not auspicious. There is no getting around the fact that the exercise of judicial review as practiced in the United States is, in its last analysis, a matter of philosophy rather than of law. Judicial review can grow, therefore, only where the judges have a philosophy—and a democratic philosophy at that—and where they have the courage to apply it despite possible frowns from all quarters. Thus far, most German judges before and after Hitler have given little evidence of either.⁸⁰

The Bavarian constitution provides that all members⁸¹ of the Supreme Constitutional Court shall be professional judges (Art. 68, Sec. 2b).⁸² A similar provision is found in the constitution of Baden (Art. 112). In Wuerttemberg-Baden (Art. 91) and Hesse (Art. 130), the Court is composed partly of regular judges from the ordinary and administrative courts, and partly of other persons elected by the *Landtag*, but not from among its members.⁸³ While the appointment of professional judges might seem a more desirable method in principle, it should be remembered that in Germany a judge has little contact with the general economic and political life of the country. Quite different from the United States, he selects his calling when graduating from law school. From that time on, he moves

⁸⁰ During the lifetime of the Weimar Republic, the courts showed great leniency toward the Rightist enemies of the democratic state. In those days, more courage was needed to uphold the state than to oppose it.

⁸¹ One of the presidents of the *Oberlandesgerichte* and eight judges, three of whom must be from the Administrative Court.

⁸² Only for purposes of judicial review. For the purpose of impeachment trials (Art. 61), or consideration of unconstitutional abridgment of civil rights by the executive branch (Art. 66), the court has a different composition. This unnecessarily complicated system has been faithfully copied from the law of July 9, 1921, *loc. cit.*

⁸³ Cf. Article 140 of the Austrian constitution of 1920.

in the rarified atmosphere of the judiciary and is rarely exposed to the kind of problems that assail lesser men. He is trained to look upon law as pure, all-inclusive rationalization, and in particular as divorced from such "unscientific" subjects as sociology or economics.⁸⁴ Justice Oliver Wendell Holmes' famous dictum, "the life of law has not been logic; it has been experience," would arouse only consternation among most German judges.⁸⁵

On the other hand, it seems questionable whether the election of non-judges would greatly further the idea of judicial review. Considering the patterns in which political life manifests itself in Germany, these men would certainly be selected primarily for their party affiliations. Now it is true that similar considerations influence the selection of Supreme Court justices in the United States. But, having general confidence in the impartiality of the bench, the people of this country will usually consider its highest judges personally disinterested.⁸⁶ Where judges are selected⁸⁷ by a political body primarily for their party regularity, popular imagination will never consider them impartial and disinterested, even though they may speak with angels' tongues and dispense Solomonic justice.

VII. ECONOMIC PROVISIONS

The economic and financial chapters of the new constitutions show the clash of ideologies most clearly. Since no political ideology had its way completely, it was apparently impossible to agree upon clear legal definitions. Instead, some of the most important questions are cloaked in a nebulous garment of high moral purpose which enabled all parties to claim victory for their particular principles, without in fact achieving anything at all. Private property is "protected,"⁸⁸ but when it is used in a manner harmful to society it may be controlled or taken away. All constitutions allow for state planning and some socialization, especially of utilities and transportation, and provide for land reform. The Hessian constitution

⁸⁴ This is not true of legal scholarship. Men like Otto von Gierke or Rudolf von Ihering have not been found lacking in breadth of vision.

⁸⁵ Oliver W. Holmes, *The Common Law* (Boston, 1881), p. 1.

⁸⁶ Cf. Carl J. Friedrich, *Constitutional Government and Democracy* (rev. ed., Boston, 1946), p. 230.

⁸⁷ Hesse (Art. 130) and Wuerttemberg-Baden (Art. 91) have their respective *Landtage* elect the judges of the Supreme Constitutional Court for certain periods with the right of reelection.

⁸⁸ "Within the confines of the law" as usual.

is the most extreme. It provides (Art. 41, Sec. 1) for the nationalization of specific industries,⁸⁹ while other businesses⁹⁰ are to be placed under strict state control. Compensation is to be paid according to "social considerations," not value. In case of "misuse"—which is not further defined—confiscation is to be applied."⁹¹ Trusts and similar combinations are outlawed.

With regard to social security and related subjects, the constitutions go into many details. They guarantee the eight-hour day and provide for collective bargaining and the right to strike (within the confines of the law), but sometimes prohibit lockouts.⁹² Child labor is prohibited, and the participation of labor in management is assured.⁹³ Legislation for unemployment compensation, old age benefits, disability payments, and paid vacation is required. The majority of these provisions are, however, not self-executing but require detailed legislation, and there seems to be no legal way in which the passage of such legislation could be forced upon an unwilling legislature.

VIII. AMENDMENTS

All of the constitutions are uniform in requiring a two-thirds majority in the *Landtag* for proposing an amendment; for its adoption, approval of the people in a popular referendum is necessary. Only in the Soviet zone does a majority of two-thirds in the *Landtag* have the power to enact amendments without recourse to a referendum.⁹⁴

An important innovation is the rule contained in many of these documents that duly ratified amendments must be shown in the text of the constitution or appear in an appendix. This is to prevent the recurrence of the practice of enacting so-called "amending laws" (*Verfassungsaendernde Reichsgesetze*). There were laws containing unconstitutional material, passed by a majority sufficiently

⁸⁹ Mining, iron and steel, power, rail transportation (including street-car lines and electric buses powered by overhead lines).

⁹⁰ All big banks and insurance companies, as well as those industries mentioned in note 89 above whose seat is not in Hesse (Art. 41, Sec. 2).

⁹¹ Art. 39, Par. 4: "Die Entschädigung fuer das in Gemeineigentum ueberfuehrte Vermoegen wird durch das Gesetz nach sozialen Gesichtspunkten geregelt. Bei festgestelltem Missbrauch wirtschaftlicher Macht ist in der Regel die Entschädigung zu versagen."

⁹² Constitution of Hesse, Art. 29.

⁹³ Through shop stewards.

⁹⁴ However, the Thuringian constitution (Art. 39) allows amendment by referendum as well.

large to amend the constitution (under Art. 76), and amended the constitution in fact, but did not appear in the text of the fundamental law, hence causing great confusion as to the actual state of constitutional law.⁹⁵

The constitutions of the Western zones⁹⁶ contain provisions according to which amendments tending to change the fundamental democratic character of the state shall not be passed.⁹⁷ In case of doubt, the Supreme Constitutional Court shall decide whether or not a proposed amendment is democratic. A peculiar version is to be found in the constitution of Wuerttemberg-Baden. Article 85, Section 1, forbids amendments "contrary to the spirit of the constitution," and Sections 2 and 3 fix the manner in which amendments may be adopted. But Section 4 decrees that "Sections 2, 3, and 4 cannot be amended." Does this mean that Section 1 can be amended? The deliberate elimination of Section 1 from mention in Section 4 would seem to answer the question in the affirmative. But would an amendment to Section 1 be "contrary to the spirit of the constitution" and thus inadmissible? This is an interesting question, and one might well wonder why the framers of this constitution left such a loop-hole.

IX. CONCLUSIONS

The new constitutions of Germany are certainly not flawless. While some of the lessons of Weimar have been learned, others have not. Moreover, some of the constitutions show illogical arrangement⁹⁸ and evidence of haste.⁹⁹ The American observer, used to the classic draftsmanship of his own constitution, may be repelled by the verbosity and pamphleteering character of some of the German provisions. Yet these glaring faults should not blind us to the fact that an important step forward has been taken. A country like

⁹⁵ Cf. Karl Loewenstein, "Government and Politics in Germany," in *Governments of Continental Europe* (ed. by James T. Shotwell, New York, 1940), p. 391. Cf. also a searching study by the same author: *Erscheinungsformen der Verfassungsänderung* (Tuebingen, 1931).

⁹⁶ Except that of Bavaria.

⁹⁷ The Hessian constitution (Art. 150) is especially emphatic on this point: "Proposals for amendments violating [the democratic spirit of the constitution] shall not be brought to a vote. If passed nevertheless, they shall not be promulgated. If promulgated nevertheless, they shall not be observed."

⁹⁸ Especially in the Bavarian constitution.

⁹⁹ According to reliable reports, this may be partly due to pressure for speed exerted by Military Government in the U. S. zone.

England, where the tradition of personal freedom is deeply ingrained, may easily do without a single document embodying the supreme law of the land. But where liberty is not so secure, a strong constitution can give added strength to the friends of democracy and help to confound its enemies. True, a constitution, no matter how well drafted, cannot in itself stop dictatorship. The new constitutions alone will not ensure the victory of democracy in Germany. Yet, it is safe to say that without them democracy would be far worse off.

Germany has now received her second chance to make constitutional government work. Her experiences with these *Laender* constitutions will have a great influence on the organization of larger regional units and on the conception of an eventual constitution for a future united Germany. The world will certainly watch the new experiment and draw its own conclusions.

CONSTITUTIONAL LAW IN 1946-47

THE CONSTITUTIONAL DECISIONS OF THE SUPREME COURT OF THE UNITED STATES IN THE OCTOBER TERM, 1946

ROBERT E. CUSHMAN

Cornell University

Fred M. Vinson took his seat as Chief Justice of the United States at the beginning of the 1946 term; there were no other changes in the personnel of the Court. Mr. Justice Jackson returned to the bench after his year's absence in Nuremberg. Continuing disagreement among the justices was shown by the fact that in twenty-three cases four justices dissented, and in twenty-four cases three dissented. The number of concurring opinions filed remained high.

A. QUESTIONS OF NATIONAL POWER

1. COMMERCE POWER

"Death Sentence" Provision of the Public Utility Holding Company Act. In 1938, in *Electric Bond & Share Co. v. Securities and Exchange Commission*,¹ the Court held valid the provisions of the Public Utility Holding Company Act of 1935 which required holding companies to register with the Commission and forbade them to use the mails or interstate commerce if they failed to do so. The Court did not, however, pass upon the validity of the famous "death sentence" provision of the statute which provided that as soon as practicable after January 1, 1938, the Securities and Exchange Commission should "require by order, after notice and an opportunity for hearing, that each registered holding company, and each subsidiary company thereof, shall take such steps as the Commission shall find necessary to insure that the corporate structure or continued existence of any company in the holding-company system does not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among security holders, of such holding-company system."

In *American Power & Light Co. v. Securities and Exchange Commission*,² the Court, without dissent, held this "death sentence" provision constitutional. The case arose from an order of the Commission directing the dissolution of the American Power & Light Company and the Electric Power & Light Corporation as holding companies whose continued existence violated the standards stated in the "death sentence" provision. The Court's opinion covered the following points: First, the provision is

¹ 303 U. S. 419, 1938.

² 329 U. S. 90, 1946.

valid under the commerce clause. "Congress, of course, has undoubted power under the commerce clause to impose relevant conditions and requirements on those who use the channels of interstate commerce so that those channels will not be conduits for promoting or perpetuating economic evils." Second, the Court found no unconstitutional delegation of legislative power to the Commission; sufficiently clear standards are set up for its guidance. Third, there is no denial of due process in the procedures by which the Commission is required to act under the "death sentence" provision, or by which it did act in the present case. Fourth, the Commission acted within the range of its statutory discretion in determining that dissolution of the two holding companies was necessary in order to meet the standards established by Congress. The act plainly contemplates dissolution as one of the available methods of accomplishing the purpose of the act. The Commission was not, therefore, exceeding its power because less drastic alternative methods might have been tried. The Commission considered alternative plans and rejected them.

Federal Power Over Pipelines Operated As Private Carriers. In a five-to-four decision, the Court held in *Champlin Refining Co. v. United States*³ that the Interstate Commerce Commission could validly require a pipeline operated by the company for the exclusive transportation of its own products, and having no connection with other pipelines, to furnish information to be used in valuing the line. The owner of the line was clearly engaged in interstate commerce, and the power of Congress to regulate it is not dependent upon its having the technical status of being a common carrier for hire. The power extends to private carriers. There is no denial of due process in requiring the information asked for by the Commission. The dissent rested on the ground that the Interstate Commerce Act was not intended by Congress to extend federal power over private carriers.

2. FEDERAL BILL OF RIGHTS

Search and Seizure Incident to an Arrest. In *Harris v. United States*,⁴ the Court substantially limited the scope of the protection extended by the Fourth Amendment against unreasonable searches and seizures. F.B.I. agents entered the apartment of Harris and arrested him on the authority of two warrants charging him with federal crimes connected with two fraudulent check transactions. Harris was handcuffed, and, over his protest, the agents searched his apartment with minute care for five hours, ostensibly to find the forged checks. In the bottom of a drawer they found a sealed envelope containing Notice of Classification cards and Registration Certificates bearing the stamp of the local draft board. Upon this evidence, Harris was convicted of violating the Selective Service Act. He

³ 329 U. S. 29, 1946.

⁴ 331 U. S. 145, 1947.

contended that the cards and certificates were obtained by an unlawful search and seizure and that his conviction based upon them was, therefore, invalid. A majority of five justices, speaking through Chief Justice Vinson, held the search to have been lawful and the conviction based on the fruits of it valid. Search and seizure incident to a lawful arrest have long been held valid, and such search may, under appropriate circumstances, extend "beyond the person of the one arrested to include the premises under his immediate control." Here the four-room apartment was under Harris's immediate control. The search was not unreasonable. It was not a general exploratory search, but one aimed at discovering the missing forged checks. The objects discovered were the property of the government, and Harris's retention of them was a serious and continuing crime. "A crime was thus being committed in the very presence of the agents conducting the search. Nothing in the decisions of this Court gives support to the suggestion that under such circumstances the law-enforcement officers must impotently stand aside and refrain from seizing such contraband material. If entry upon the premises be authorized and the search which follows be valid, there is nothing in the Fourth Amendment which inhibits the seizure by law-enforcement officers of government property the possession of which is a crime, even though the officers are not aware that such property is on the premises when the search is initiated." The Chief Justice then observes: "... we should not permit our knowledge that abuses sometimes occur to give sinister coloration to procedures which are basically reasonable."

Justices Frankfurter, Murphy, Jackson, and Rutledge dissented, and the first three wrote separate opinions. The dissenting justices allege, with supporting references to early history, that the search and seizure in this case comprise exactly the kind of official abuse against which the Fourth Amendment has been supposed to give protection. To extend the scope of the search which may be made incident to a lawful arrest to include a man's entire premises, assuming he is arrested at home, destroys all limitations upon the right to search. In fact, the investigating officers will, under the rule of the Court, be able to make a much broader search than they could under the authority of a search warrant. Such a warrant would require them to state what they are looking for and to describe the premises to be searched. Here they need do neither of these things. The dissenting justices are clearly disturbed by the practical consequences of the new rule. This is clearly stated by Mr. Justice Jackson. "The decision will certainly be taken in practice as authority for a search of any home, office, or other premises if a warrant can be obtained for the arrest of any occupant and the officer chooses to make the arrest on the premises. It would also appear to sanction a search of premises even though the arrest were for the most petty of misdemeanors. It leaves to the arresting

officer choice of the premises to be searched in so far as he can select the place among those in which the accused might be found where he will execute the warrant of personal arrest. Thus, the premises to be searched are determined by an officer rather than by a magistrate, and the search is not confined to places or for things particularly described in a warrant, but, in practice, will be as extensive as the zeal of the arresting officer in the excitement of the chase suggests. Words of caution will hedge an opinion, but they are not very effective in hedging searches."

Political Rights of Federal Employees. Section 9(a) of the Hatch Act provides: "No . . . employee in the executive branch of the Federal Government . . . shall take any active part in political management or in political campaigns," and requires that any person violating this section "shall be immediately removed from the office or position held by him." A group of federal employees belonging to the United Public Workers of America, alleging that they desired to engage in political activity, sought a declaratory judgment holding the section of the act invalid.⁵ In addition, one Poole had actually violated the act and sought an injunction to prevent his removal from office. A divided Court held the act constitutional. However, they dealt only with Poole's case, since to render the declaratory judgment asked for would be essentially to decide a case not properly before the Court for decision. The other plaintiffs had not indicated the kind of political activity in which they wished to engage, and to pass upon their right to do so would amount to rendering an advisory opinion. Poole, however, was a roller in the Mint, and was at the same time serving as a ward executive committeeman of a political party, as well as a worker at the polls and a paymaster for other party workers.

It was strongly urged that the statute violates the First Amendment by denying to federal employees freedom of speech and press necessarily a part of political activity. It was especially urged that this was true because the prohibition against political activity was not limited to what federal employees might do during working hours. The Court did not take this objection very seriously. Mr. Justice Reed, for the majority, called attention to the fact that Congress has for many years restricted the political activity of federal employees by forbidding them to contribute to political campaign funds. It has never been seriously questioned that such restrictions fall within the range of Congressional power to provide for the efficiency of the federal service. In this area Congress has wide discretion; it is not obliged to content itself with imposing the lightest possible restrictions upon political activity. "The argument that political neutrality is not indispensable to a merit system for federal employees may be accepted. But because it is not indispensable does not mean

⁵ United Public Workers v. Mitchell, 330 U. S. 75, 1947.

that it is not desirable or permissible." Congress may have decided that "government employees are handy elements for leaders in political policy to use in building a political machine," and could properly take measures to prevent such results.

The prohibition of the Hatch Act is not, however, limited to employees on the federal payroll. Section 12(a) provides: "No officer or employee of any state or local agency whose principal employment is in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal Agency shall . . . take any active part in political management or in political campaigns." Under the authority of this section, the United States Civil Service Commission ordered the removal from office of a member of the highway commission of Oklahoma, who was also serving as chairman of the Democratic state central committee and was engaged in organizing for the committee a "victory dinner" for the purpose of raising party funds. The Court upheld the removal.⁶ It rejected the contention of the state of Oklahoma that Congress was interfering in state affairs in violation of the Tenth Amendment. It emphasized that Congress had the right to determine under what conditions the states could receive federal loans or grants-in-aid. Oklahoma was not compelled to dismiss the officer in question, since it could pursue the alternative course of refusing to accept the federal funds in the administration of which he was engaged. "Oklahoma chose not to remove him. We do not see any violation of the state's sovereignty in the hearing or order. Oklahoma adopted the 'simple expedient' of not yielding to what she urges is federal coercion."

Exclusion of Women from Juries. In *Thiel v. Southern Pacific Company*,⁷ the Court held that the systematic exclusion of wage-earners from a federal jury violated the jury trial requirement of the Bill of Rights. It emphasized that the American tradition of jury trial "contemplates an impartial jury drawn from a cross-section of the community." This principle was applied in *Ballard v. United States*⁸ to order retrial in a case in a federal court in which women had been systematically excluded from the jury panel. The trial was held in California. In California, women are eligible for jury service under local law. Congress has provided that jurors in a federal court shall have the same qualifications as those of the highest court of law in the state. Women were therefore eligible for jury service in federal courts in California. Their systematic exclusion from the jury panel therefore violates the principle stated in the *Thiel* case that a jury must be drawn from a cross-section of the community. It is a departure from the scheme of jury selection provided for by Congress. The facts

⁶ *Oklahoma v. United States Civil Service Commission*, 330 U. S. 127, 1947.

⁷ 328 U. S. 217, 1946.

⁸ 329 U. S. 187, 1946.

of this case made it unnecessary for the Court to answer the question whether the doctrine of the Thiel case would forbid on constitutional grounds the exclusion of women from federal juries in states whose laws do not make women eligible for jury service in state courts. Four justices, including Chief Justice Vinson, dissented in the case.

3. TREASON

In *Haupt v. United States*,⁹ the Court upheld the conviction, on a charge of treason, of the father of one of the Nazi saboteurs who had been executed in the summer of 1942. The evidence presented indicated that Haupt, with knowledge of his son's purpose to engage in sabotage, had harbored and sheltered him for several days, had helped him get a job in a factory which was making the Norden bombsight, and had arranged for the purchase of, and helped pay for, an automobile for the son's use. These acts of the father constituted overt acts which gave aid and comfort to the enemy. This distinguished the case from that of *Cramer*,¹⁰ whose conviction of treason had been set aside by the Court on the ground that while he had talked and drunk with another of the Nazi saboteurs, there was no evidence that he had rendered him aid and comfort. The chief issue in the present case was whether the constitutional test had been met which requires two witnesses to the same overt acts. While there were two witnesses to support each of the three charges stated above, the evidence of these witnesses was not identical. One had seen one thing indicating that the act had been committed, while another had seen something else. Speaking through Mr. Justice Jackson, the Court disposed of this objection by saying: "While two witnesses must testify to the same act, it is not required that their testimony be identical. Most overt acts . . . are . . . courses of conduct made up of several elements." Nor was the Court impressed by the argument that Haupt had merely behaved as a normal father would do under similar circumstances. "It is argued that Haupt merely had the misfortune to sire a traitor and all he did was to act as an indulgent father toward a disloyal son. In view, however, of the . . . defendant's own statements . . . the jury apparently concluded that the son had the misfortune of being a chip off the old block . . ."

4. SUPREMACY OF NATIONAL LAW

Eminent Domain to Condemn Municipal Public Buildings. So far as is known, the federal government has never attempted to take by eminent domain property being used by a state or local government for public governmental purposes over the protest of that government. The case of *United States v. Carmack*¹¹ does not present precisely this situation, but

⁹ 330 U. S. 631, 1947.

¹⁰ *Cramer v. United States*, 325 U. S. 1, 1945.

¹¹ 329 U. S. 230, 1946.

one very close to it. The government here condemned a plot for a post-office on which stood buildings used by the city of Cape Girardeau, Missouri, for a court house, city hall, and municipal band-stand. The city, however, did not resist the condemnation, since it was receiving from the government the former post-office site and was apparently satisfied with the bargain. The plot in question, however, had been conveyed to the city in trust for public purposes back in 1820, and a survivor of the original grantor appeared to contest the condemnation. The Court unanimously upheld the government's right to condemn. The opinion by Mr. Justice Burton did not come to grips with the issue which would have been presented had the city owned the property outright and resisted the condemnation. But the language of the opinion appears to imply that these conditions would have made no difference. "It makes little difference that the site here sought to be condemned is held by the city in trust instead of in fee. The city government is not resisting the condemnation." The decision rests squarely upon the doctrine of the supremacy of national law. It relies heavily upon the case of *Kohl v. United States*,¹² in which the Court held that the federal government was fully empowered to condemn private property within a state without calling upon the state for assistance in doing so.

State Courts Required to Enforce Federal Penal Statute. *Testa v. Katt*¹³ reversed a decision of the supreme court of Rhode Island which held that the courts of that state could not validly enforce the penal provisions of the Emergency Price Control Act. It will perhaps be recalled that the Supreme Court's decision in the Second Employers' Liability Cases in 1912,¹⁴ that the courts of Connecticut could not refuse to take jurisdiction in cases arising under the Federal Employers' Liability Act when that act conferred such jurisdiction, had aroused a constitutional controversy of impressive proportions. The very brief opinion in the present case, which attracted no public notice, is evidence of how firmly the principle of the supremacy of national law is now established and accepted. The Price Control Act provided that federal district courts should have jurisdiction to enforce the act "concurrently with state and territorial courts." The supremacy clause of the Constitution deprives the states of any right to refuse to enforce a law validly passed by Congress if Congress directs them to do so.

The California Tidelands Case. In *United States v. California*,¹⁵ the government, in an original action in the Supreme Court, asserted exclusive ownership of the Pacific Ocean and the lands under it to a distance of three miles from shore, and challenged the validity of acts of the state of

¹² 91 U. S. 367, 1876.

¹³ 330 U. S. 386, 1947.

¹⁴ 223 U. S. 1, 1912.

¹⁵ 332 U. S. 19, 1947.

California by which leases had been given to private companies to take petroleum, gas, and other mineral products from these tidelands. With Justices Reed and Frankfurter dissenting, the Court held that the United States enjoys the exclusive rights of ownership and control over these tidelands. The opinion of Mr. Justice Black bases this federal sovereignty partly upon considerations of national security and partly upon the well established principle of international law recognizing national control within the three-mile limit. The Court further holds that the United States has not forfeited these important rights by its failure formally to assert them and to make active use of them. The only solace to the states lies in the Court's observation: "But beyond all this we cannot and do not assume that Congress, which has constitutional control over government property, will execute its powers in such way as to bring about injustices to states, their subdivisions, or persons acting pursuant to their permission."

5. INTERPRETATION OF FEDERAL STATUTES

Several cases involving the construction of federal statutes overshadowed in interest and importance many of the constitutional issues which came before the Court.

Perhaps the most notable of these was *United States v. United Mine Workers of America*,¹⁶ in which the government enjoined a coal strike and punished the United Mine Workers and John L. Lewis for contempt of court for violating the injunction. In 1946, under the so-called Krug-Lewis Agreement, the government acquired authority to operate most of the coal mines. Lewis demanded new terms for the miners which, after conference, were rejected. Thereupon he terminated the agreement against the denial by the government of his right to do so. Under the prevailing policy of the United Mine Workers of "no contract, no work," this was tantamount to a strike order, and the government sought and obtained a temporary restraining order pending a disposition of the legal issues involved. The miners, under Lewis's direction, went ahead with the strike and were accordingly charged with contempt of court. They were found guilty of both criminal and civil contempt. Lewis was fined ten thousand dollars, and the union three million, five hundred thousand dollars. The Supreme Court upheld the convictions. In an opinion by Chief Justice Vinson, the Court held that the anti-injunction provisions of the Clayton Act and the Norris-LaGuardia Act did not prevent the issuance of an injunction in this case, since those statutes were intended by Congress to apply only in cases where strikes were threatened against private employers and not against the government. The Court went further to say that under any circumstances the district court had the power to issue its

¹⁶ 330 U. S. 258, 1947.

temporary restraining order in order to preserve existing conditions while it determined its own authority to issue an injunction. The Court decided, however, that the fine on the union was excessive and reduced it to seven hundred thousand dollars, contingent upon the union's complying with the district court's order within five days.

Another widely publicized case was *United States v. Petrillo*.¹⁷ In 1946, Congress amended the Federal Communications Act by adding a provision as follows: "It shall be unlawful, by the use or express or implied threat of the use of force, violence, intimidation, or duress, or by the use or express or implied threat of the use of other means, to coerce, compel, or constrain, or attempt to coerce, compel, or constrain, a licensee to employ or agree to employ, in connection with the conduct of the broadcasting business of such licensee, any person or persons in excess of the number of employees needed by such licensee to perform actual services; . . ." James C. Petrillo, president of the American Federation of Musicians, and the one against whom the statute was directed, was indicted in a federal district court for forcing a broadcasting company to hire more musicians than were actually needed. The district court dismissed the indictment on the ground that the statute was unconstitutional, and the government took a direct appeal under the Criminal Appeals Act. The Supreme Court held the statute valid. It rejected the contention that the statute was so vague in its language as to violate the requirements of due process of law. It had been urged that the phrase "number of employees needed by such a licensee" was not sufficiently definite so that one could know whether he was violating the statute or not. The Court concluded: "We think the language Congress used provides an adequate warning as to what conduct falls under its ban." Nor does the statute violate the requirement of equal protection of the laws, embodied by implication in the due process clause of the Fifth Amendment, by singling out the radio industry for this special restriction. The Court refers with approval to the long-established doctrine that Congress may undertake to cure some evils without curing them all. Attacks upon the statute which were grounded on the First and Thirteenth Amendments, and alleged invalid restrictions upon the right to picket and to strike, were not considered by the Court, since the case had not gone to trial and there was not sufficient factual basis for dealing with these issues.

In *Packard Motor Company v. N.L.R.B.*,¹⁸ the Court upheld an order of the Board extending the benefits of the Wagner Act to foremen. It had been alleged that foremen were not employees within the meaning of the statute, and the company had accordingly refused to bargain with the foremen's union. Mr. Justice Jackson, speaking for a majority of five,

¹⁷ 332 U. S. 1, 1947.

¹⁸ 330 U. S. 485, 1947.

declared: "That these foremen are employees . . . is too obvious to be labored." The mere fact that in certain matters the foremen represented the interests of the employers does not prevent them from having important interests of their own as employees. Four justices dissented.

A novel and important order of the Interstate Commerce Commission was upheld by the Supreme Court in *New York v. United States*.¹⁹ The Commission, after elaborate investigation, concluded that the rates established in the various rate districts in the country operated to discriminate adversely against the South, Southwest, and West. This had long been a subject of bitter complaint in the South, where it had been strongly contended that the industrial and economic development of the area was retarded by the high freight rates established by the Commission in earlier orders. The Commission accordingly ordered a ten per cent reduction in the freight rates of the Southern, Southwestern, and Western areas and a ten per cent increase in the rates in the Northeast. The Supreme Court sustained the order on the ground that Congress had authorized the Interstate Commerce Commission to establish rates which were not discriminatory. Inter-regional discrimination was held to be included in this mandate. Justices Frankfurter and Jackson dissented. The latter's attack was directed against the mandatory increase of freight rates in the Northeast, and was stated in these words: "This additional assessment is in no sense compensation. . . . It is really a surtax . . . added solely to increase shipping costs in the [Northeast] . . . for the purpose of handicapping its economy and in order to make transportation cost as much there as it does in areas where there is less traffic to divide the cost."

*Cleveland v. United States*²⁰ extended the provisions of the Mann Act to a Mormon who transported one of his plural wives across a state line. The Court has, of course, long since abandoned any interpretation of the Mann Act which would limit it to commercialized prostitution.

B. QUESTIONS OF STATE POWER

1. DUE PROCESS OF LAW

Religious Liberty. Virtually all of the recent cases in which issues of religious liberty have been involved have arisen from the efforts of the Jehovah's Witnesses to remain free from any type of secular control. In *Everson v. Board of Education*,²¹ however, the Supreme Court faced an entirely different issue concerning the legal status of religion, and dealt with it in an opinion which may have far-reaching effects. Here, as in many of the earlier cases concerned with religious liberty, the Court divided five to four.

¹⁹ 331 U. S. 284, 1947.

²⁰ 329 U. S. 14, 1946.

²¹ 330 U. S. 1, 1947.

The *Everson* case arose under a New Jersey statute which authorizes local school districts to make rules and contracts for the transportation of children to and from schools. The Board of Education of the town of Ewing, New Jersey, in this case authorized reimbursement to parents of money spent by them for the bus transportation of their children on regular buses operated by the public transportation system. Catholic parents were reimbursed in this way for the cost of having their children ride by public bus to and from parochial schools. These parochial schools give their students, in addition to secular education, regular religious instruction. The superintendent of the school is a Catholic priest. *Everson* brought a taxpayer's action to restrain this reimbursement of Catholic parents. He alleged that such payments violated due process of law by using money raised by taxation for the benefit of private individuals, and secondly, that the payments amounted to state support of schools maintained by the Catholic Church. The opinion of the Court was written by Mr. Justice Black. He rejects the contention that private property was taken through taxation and devoted to a private purpose. The New Jersey legislature had decided that it is a public purpose by which the public interest will be served to pay for the transportation of school children to their schools, whether they be public or private schools. If it is supporting a private interest to transport children to a parochial school, it would be equally so to transport them to any other non-public school. "It is much too late to argue that legislation intended to facilitate the opportunity of children to get a secular education serves no public purpose."

The crucial issue in the case is, of course, the second one, namely, whether the New Jersey statute can be attacked as a "law respecting the establishment of religion." It is admitted that the prohibition of the First Amendment against an establishment of religion is now binding upon the states through the operation of the Fourteenth Amendment. The Court reviews at some length the history of this clause. While apparently recognizing that the issue is a close one, the Court concludes: "We cannot say that the First Amendment prohibits New Jersey from spending tax-raised funds to pay the bus fares of parochial school pupils as a part of a general program under which it pays the fares of pupils attending public and other schools." While this policy does indirectly aid Catholic parents and parochial schools, this is only its indirect result. The First Amendment merely requires a state to be "a neutral in its relations with groups of religious believers and non-believers; it does not require the state to be their adversary. State power is no more to be used so as to handicap religions than it is to favor them." The Supreme Court itself recognized in *Pierce v. Society of Sisters*²² the constitutional right of parents to send their children

²² 268 U. S. 510, 1925.

to private and parochial, rather than public, schools. The present legislation neither supports parochial schools nor gives them money. It "does no more than provide a general program to help parents get their children, regardless of their religion, safely and expeditiously to and from accredited schools. The First Amendment has erected a wall between church and state. That wall must be kept high and impregnable. We could not approve the slightest breach. New Jersey has not breached it here."

Mr. Justice Jackson dissented in an opinion in which Mr. Justice Frankfurter concurred. He emphasizes the degree to which the parochial school forms a vital part of the Roman Catholic Church and is dominated by it. He concludes, therefore, that to render tax aid to a parochial school cannot be distinguished from rendering tax aid to the Church itself. The state may no more tax its citizens to furnish free transportation to a parochial school than to a church. He ends his opinion on a note of warning: "But we cannot have it both ways. Religious teaching cannot be a private affair when the state seeks to impose regulations which infringe on it indirectly, and a public affair when it comes to taxing citizens of one faith to aid another, or those of no faith to aid all. . . . If the state may aid these religious schools, it may therefore regulate them. Many groups have sought aid from tax funds only to find that it carried political controls with it. Indeed this Court has declared that 'it is hardly lack of due process for the government to regulate that which it subsidizes'."

Mr. Justice Rutledge wrote a separate dissenting opinion in which Justices, Frankfurter, Jackson, and Burton concurred. He traces in considerable detail the history of what was meant by an establishment of religion as that phrase is used in the First Amendment. He concludes that its purpose was to create a complete and permanent separation of the spheres of religious activity and civil authority. It forbids state support, financial or other, of religion in any guise. It outlaws all use of public funds for religious purposes. Applying this to the present case, he concludes: "New Jersey's action therefore exactly fits the type of exaction and the kind of evil at which Madison and Jefferson struck. Under the test they framed, it cannot be said that the cost of transportation is no part of the cost of education or of the religious instruction given. That it is a substantial and necessary element is shown most plainly by the continuing and increasing demand for the state to assume it."

Mr. Justice Rutledge also ends on a note of warning: "Two great drives are constantly in motion to abridge, in the name of education, the complete division of religion and civil authority which our forefathers made. One is to introduce religious education and observances into the public schools. The other, to obtain public funds for the aid and support of various private religious schools. . . . In my opinion, both avenues were closed by the Constitution. Neither should be opened by this Court."

Freedom of Speech—Contempt of Court. In *Craig v. Harney*,²³ the Court considered again the main issues dealt with in the *Bridges*²⁴ and *Pennekamp*²⁵ cases, and reached the same result. In this case, a newspaper publisher, editorial writer, and news reporter were cited for contempt of court as a result of the publication of certain editorials and news stories relating to a case pending in the local court. This case, presided over by a lay judge, had resulted in the eviction of a service man from a building he had leased. The judge had three times directed a reluctant jury to bring in a verdict against the service man. The news stories and editorial criticized the judge for the handling of the case, described it as a "travesty on justice," announced that the judge had brought down "the wrath of public opinion upon his head," and that the public was aroused because a service man was "getting a raw deal." The fact that the judge was not a lawyer "familiar with proper procedure and able to interpret and weigh motions and arguments by opposing counsel" was deplored. . . . These criticisms and attacks were made while the judge had under consideration a motion for a new trial. Speaking through Mr. Justice Douglas, the Court set aside the convictions for contempt. It admitted that the publications complained of were intemperate and unfair, but said that a judge was not entitled to hold in contempt anyone who "ventures to publish anything that tends to make him unpopular or to belittle him." There must be an imminent, not merely a likely, threat to the administration of justice. "The danger must not be remote, or even probable; it must immediately imperil." Again the Court states its opinion that judges ought to be men who can "take" criticism. "Judges are supposed to be men of fortitude, able to thrive in a hardy climate. Conceivably a campaign could be so managed and so aimed at the sensibilities of a particular judge and the matter pending before him as to cross the forbidden line. But the episodes we have here do not fall in that category."

Mr. Justice Frankfurter, joined by the Chief Justice, dissented. He deplored breaking down all barriers against criticism directed against a judge actually engaged in deciding a case. "The demands found to have been made upon the judge by these papers may agitate even a conscientious judge. He may himself be unaware of the extent to which his powers of reason have not the sway they would otherwise have." Referring to the reliance of the majority upon the "clear and present danger" test, Mr. Justice Frankfurter observes: "Only the pungent pen of Mr. Justice Holmes could adequately comment on such a perversion of the purpose of his phrase." Mr. Justice Jackson also dissented. He stated that the criticism involved here "infringed the citizen's right to a calm and im-

²³ 331 U. S. 367, 1947.

²⁴ *Bridges v. California*, 314 U. S. 252, 1941.

²⁵ *Pennekamp v. Florida*, 328 U. S. 331, 1946.

partial trial. . . For this Court to imply that this kind of attack during a pending case is all right seems to me to compound the wrong." He then pays his respects to the argument that judges must be men of fortitude. "But even worse is that this Court appears to sponsor the myth that . . . newspaper attacks on them [judges] are negligible because they do not penetrate the judicial armor. . . to me this is an ill-founded opinion, and to inform the press that it may be irresponsible in attacking judges because they have so much fortitude is ill-advised or worse."

Criminal Due Process—Double Jeopardy—Cruel and Unusual Punishment. A novel and macabre case came to the Court from the failure of the electric chair in which a young Negro, Willie Francis, was being executed to work properly and produce death. Could the state constitutionally try again? The Court divided five-to-four on this question in the case of *Louisiana v. Resweber*.²⁶ Speaking through Mr. Justice Reed, the majority found no double jeopardy or denial of due process. It also rejected the contention that the mental anguish involved in waiting for execution, repeated a second time, subjects the petitioner to cruel and unusual punishment. "The cruelty against which the Constitution protects a convicted man is cruelty inherent in the method of punishment, not the necessary suffering involved in any method employed to extinguish life humanely." Therefore the accident which prevented the first execution does not add any element of cruelty to the second execution by the same method. There is no denial of equal protection of the laws here, since the accident was not intended and might have happened to any condemned man. Willie Francis was not singled out for this treatment by malevolent intention.

Mr. Justice Burton, joined by Justices Douglas, Murphy, and Rutledge, dissented. If the state had done intentionally what here occurred accidentally, there would be no doubt that it was inflicting cruel and unusual punishment. "If the state officials had deliberately and intentionally placed the relator in the electric chair five times and, each time, had applied electric current to his body in a manner not sufficient, until the final time, to kill him, such a form of torture would rival that of burning at the stake. . . While five applications would be more cruel and unusual than one, the uniqueness of the present case demonstrates that, today, two separated applications are sufficiently 'cruel and unusual' to be prohibited."

Criminal Due Process—New York "Blue Ribbon" Jury. Fay and Bove, two vice-presidents of leading labor unions, were convicted of extortion by a special, or "blue ribbon," jury in a New York court. While these juries have been used in New York City for nearly fifty years, the Supreme

²⁶ 329 U. S. 459, 1947.

Court of the United States has not before passed upon the question of their validity under the Fourteenth Amendment. It did so in *Fay v. New York*.²⁷ Under the New York statutes, the county clerk selects and empanels all jurors. He first chooses a "general panel" for ordinary jury duty. From the general panel he then selects a much smaller number who are examined as to their qualifications to serve as special jurors. In New York county, some 3,000 special jurors will be chosen from a general panel of 60,000. Originally the qualifications for special jurors were higher than for general jurors, but in 1940 this difference was eliminated from the statutes, and general jurors must now have the qualifications formerly required of special jurors. In other words, while the special jurors are a select group, the criteria by which the county clerk singles them out are nowhere set out in the statutes. A special jury will be granted in the sound discretion of the court in cases in which the public interest would be served thereby.

Fay contended that the "blue ribbon" jury which convicted him had deprived him of due process because (1) laborers, craftsmen, and service employees were systematically excluded from the panel; (2) because women were excluded; and (3) because experience had shown that special juries are more prone to convict than general juries. Mr. Justice Jackson, speaking for a majority of five, rejected all of these contentions. The fact that special jurors are drawn in the main from professional and clerical workers does not show discrimination on economic lines, since persons are employed in these groups at widely varying salary levels. Due process does not require that a person be tried for crime by a jury made up of representatives of different groups or races. There is no evidence that any special group or class was singled out for exclusion in selecting the special jury. Women were not excluded. They are eligible under the law to serve, but the law allows them to claim exemption from jury service if they wish to do so. The statistics purporting to show that a special jury is a "hanging jury," more likely to convict than an ordinary one, were all compiled during the period in which the statute required higher qualifications for special than for general jurors. No figures are presented to show that as presently selected the two kinds of juries behave differently in regard to conviction.

Four justices, speaking through Mr. Justice Murphy, dissented on the ground that the basic principle of a "blue ribbon" jury is invalid since the system denies the accused his constitutional right to be tried by a jury fairly drawn from a cross-section of the community. The wide discretion exercised by the county clerk in selecting the special jury makes it possible for him to elect a "hanging jury" if he so desires, and on this ground also denies due process.

²⁷ 332 U. S. 261, 1947.

Criminal Due Process—Right to Counsel. In four cases, the question was raised whether a convicted criminal had been denied due process through the failure of the court to see that he was represented by counsel. The Court makes it clear that the answer in each case will depend upon the particular circumstances of the case. In *Foster v. Illinois*,²⁸ Foster had been convicted eleven years ago on a plea of guilty to a charge of burglary and larceny. The record did not disclose that he was offered counsel by the court, or requested it. The Court found no denial of due process. While granting that assignment of counsel may "in the circumstances of a particular situation" be essential to a fair trial, and therefore to due process, this is not always true. There is nothing in the record of this case to indicate that the accused was placed at a disadvantage or subjected to deprivation of his rights. The same result was reached in *Gayes v. New York*,²⁹ in which a sixteen-year-old boy was allowed to plead guilty to a charge of burglary without being represented by counsel. In *Carter v. Illinois*,³⁰ the Court held that there had been no denial of due process in allowing Carter to plead guilty to a charge of murder, without being represented by counsel, after the court had clearly explained to him his right to counsel and the consequences of a plea of guilty. In all three of these cases Justices Black, Douglas, Murphy, and Rutledge dissented.

In a *per curiam* opinion, however, the Court held, in *DeMeerleer v. Michigan*,³¹ that failure to provide counsel denied due process. Here, in 1932, a seventeen-year-old boy was arraigned, tried, convicted of first-degree murder, and sentenced to life imprisonment on the same day. "The record indicates that petitioner was without legal assistance throughout all these proceedings and was never advised of his right of counsel. The court did not explain the consequences of the plea of guilty, and the record indicates considerable confusion in petitioner's mind at the time of arraignment as to the effect of such a plea. No evidence was introduced in petitioner's behalf and none of the state's witnesses were subjected to cross examination."

2. STATE TAXATION OF COMMERCE

The annual crop of cases in which the Supreme Court decides whether various state taxes impose invalid burdens upon commerce amounted to four. None of these established new principles of law. In *Joseph v. Carter & Weekes Stevedoring Company*,³² the Court held unconstitutional a New York tax levied upon the gross receipts derived from loading and unloading vessels employed in interstate and foreign commerce. While the tax was not in its terms discriminatory, the Court held that it did invalidly burden commerce. The Court also held invalid, in *Freeman v. Hewitt*,³³

²⁸ 332 U. S. 134, 1947.

²⁹ 332 U. S. 145, 1947.

³⁰ 329 U. S. 173, 1946.

³¹ 329 U. S. 663, 1947.

³² 330 U. S. 422, 1947.

³³ 329 U. S. 69, 1946.

the application of an Indiana gross income tax to the receipts of one domiciled in the state of proceeds from the sale of securities sent outside the state to be sold. Here again interstate commerce was held to be burdened.

In *International Harvester Company v. Evatt*,³⁴ the Court held that Ohio could validly collect a franchise tax from a foreign corporation doing business in the state on its right to carry on intrastate commerce therein, and might compute the amount of this tax by a formula which took into account the interstate and out-of-state transactions of the company in relation to the volume of its local business. The Court held that the tax computed by this rule did not constitute a burden upon the company's interstate business.

A state may not validly collect a sales-tax upon the sale of gasoline from a seller of oil delivered in the state to a foreign purchaser. Such a tax violates the clause of the Constitution forbidding states to impose taxes upon exports. This is the case of *Richfield Oil Corporation v. State Board of Equalization*.³⁵

³⁴ 329 U. S. 249, 1946.

³⁵ 329 U. S. 416, 1947.

AMERICAN GOVERNMENT AND POLITICS

THE FEDERAL LOYALTY PROGRAM: BACKGROUND AND PROBLEMS*

ROGER S. ABBOTT

University of Michigan

Since the promulgation on March 21, 1947, of Executive Order 9835 "prescribing procedures for the administration of an 'employees' loyalty program in the executive branch of the government," there has been widespread discussion concerning the nature of disloyalty, its probable extent in the federal service, and the desirability of the loyalty program.

One point of view, among some members of Congress and elsewhere, is that this loyalty program does not go far enough to meet what is regarded as the serious menace of foreign (that is, Russian) directed or inspired subversives in the government. A sharply contrasting attitude, also voiced by a few Congressmen and by others, is that the menace is exaggerated for various reasons and that the program constitutes a "witch hunt" aimed at liberals generally and a dangerous attack upon civil liberties. Between these two extremes are gradations of opinion accepting the principle of the program but with reservations of varying intensity as to some of its standards and procedures, and with a watchful eye on its operation and on its effect within the federal service and outside.

Why has this issue of employee loyalty become so prominent? What are the main features and problems of the loyalty program and its possible consequences? Basic to a consideration of these questions is an understanding of the program's background.

I

While the Executive Order of 1947 inaugurated the first service-wide loyalty check in the federal government, disloyalty as a ground for dismissal is not an entirely new concept. It may be said generally to have been introduced in 1939 in a more restricted sense in the Hatch Act, in which membership in any organization advocating the overthrow of the constitutional form of government in the United States was made a ground for removal.¹ Before that time, Civil Service Rule I of 1884, pro-

* This article is adapted from a part of the writer's doctoral dissertation on the loyalty program. Prepared in early April, it does not deal with later developments.

¹ 53 Stat. 1148, Sec. 9(A). Allegations of disloyalty—usually in terms of "un-American" or "subversive" activities—had been leveled against federal employees previously from Congress, especially by the House Committee on Un-American Activities and its predecessors. Also, it has been reported that the Civil Service Commission during the First World War conducted loyalty investigations; but the docu-

hibiting questions concerning political or religious opinions or affiliations, was deemed to preclude a loyalty inquiry.²

In 1940, the Civil Service Commission stated its policy not to certify for employment the name of a member of the Communist party, the German-American Bund, or any other Communist or Nazi organization.³ Similar language in appropriation acts, beginning in 1941, prohibited expenditures for salaries of such persons. Violations of these provisions by individuals were difficult to establish; the membership records of such groups generally did not exist or were kept secret.⁴

A further Congressional step was the appropriation of \$100,000 to the Federal Bureau of Investigation in 1941 to investigate federal employees alleged to be "members of subversive organizations or to advocate the overthrow of the Federal Government."⁵ The findings were to be reported to Congress. The FBI reports (without recommendations) were sent to the agency heads concerned, who exercised their discretion as to what administrative action, if any, to take. To advise the agencies in interpreting these complex reports and in developing procedures for handling the cases, the Attorney-General, in April, 1942, created an inter-departmental committee of four officials, aided by Justice Department staff.

The vague term "subversive organizations" not having been defined by Congress, Attorney-General Biddle interpreted it to include not only groups advocating forcible overthrow of the government, but also those with Communist backgrounds or affiliations and American Fascist, Nazi, Italian, and Japanese organizations. The list was not published, but descriptive memoranda concerning the groups were transmitted to employing agencies for confidential use. Significantly, the agencies were cautioned that none of the organizations was denounced as subversive *per se*, except for the Communist party and its affiliates, the German-American Bund, and "certain enemy-dominated organizations." With respect to the others, it was pointed out that there were circumstances requiring their inclusion within the scope of the inquiry, but that it would be "grossly unfair" to the persons charged with participating in them to place them arbitrarily in the same category with the Communist party and the Bund.⁶ Further-

ments explaining the reason and authority for them are still secret. See Paul Van Riper, *The Politics of Office-Holding*, Ph.D. dissertation, University of Chicago, Aug., 1947, 196.

² *Report of the President's Temporary Commission on Employee Loyalty*, Mar. 22, 1947, 3.

³ Statement by Seth Richardson, chairman, Loyalty Review Board, Dec. 23, 1947, 1.

⁴ Report of Attorney-General to Congress, June 30, 1942, 77th Cong., 2nd Sess., House Doc. 833, p. 5.

⁵ Pub. Law 135, 77th Cong., 1st Sess., June 28, 1941.

⁶ Report of Attorney-General, cited, 20.

more, the objective test of membership in a "front" organization was declared to be "thoroughly unsatisfactory" and to fail completely "where the purposes of the organization are so stated as to make membership in most circumstances consistent with loyalty." Activity, rather than membership, was to be stressed, and even this was to be but one of many matters to be considered.⁷ These qualifications are worth noting in the light of later developments in 1947.

The investigation of complaints against employees revealed, according to the Attorney-General, that the "overwhelming majority" had been involved because their names had appeared on the active indices of Communist "front" organizations, in most instances for solicitation or mailing-list purposes without their knowledge. This lead proved to be "utterly worthless" in "all but a small residuum of the cases." It was concluded on the basis of the inter-departmental committee's report that results were "utterly disproportionate to resources expended," and that the "futility and harmful character of a broad personnel inquiry have been too amply demonstrated." It was recommended that future investigations be limited to matters "clearly pertinent to the vital problem of internal security."⁸

Nevertheless, a similar investigation was required in the appropriation act of July 2, 1942, for the Justice Department.⁹ This produced comparably negative results.¹⁰ No provision was made for subsequent inquiries, possibly due in part to the known reluctance of FBI Director Hoover to have his limited investigative resources diverted from other tasks at the height of the war.

In any case, the statutory provisions proscribing the employment of "subversive" persons continued in force. Furthermore, the second inter-

⁷ *Ibid.*, 5. Representative Martin Dies, then chairman of the House Committee on Un-American Activities, took a different view of this matter. He obtained a photostatic copy of these memoranda and had them inserted in the *Congressional Record*, Sept. 24, 1942, 7442-8. He attacked the report, contending that the Justice Department should simply have given the names of the subversive organizations and of employees belonging to them to Congress, which would determine for itself the extent of the inroads being made by subversive groups into the federal service. (*Ibid.*) Cf. also the annual report of his committee of Jan. 2, 1943 (H. Rept. 2748, 77th Cong., 2nd Sess., 8). A minority view from this committee was expressed by Rep. Jerry Voorhis, who held that the investigation had been made "effectively, carefully, and conscientiously." (*Cong. Rec.*, Sept. 3, 1942, 7270).

⁸ Report of Attorney-General, cited, 26. Of a total of 4,579 complaints (including 1,100 from the Dies Committee), which included some duplications and names of persons not in executive agencies, only 34 resulted in separations and 12 in other administrative actions, as reported by the agencies. Some Congressmen charged that the agency heads had not been sufficiently aggressive.

⁹ Pub. Law 644, 77th Cong., 2nd Sess. The sum of \$200,000 was allotted.

¹⁰ Cf. House Doc. 162, 78th Cong., 1st Sess. (Apr. 17, 1943). The procedures of this investigation are described in detail in Robert Cushman, "Employees Accused of Disloyalty," *Pub. Admin. Review*, Vol. 3, No. 4, pp. 310-311 (Autumn, 1943).

departmental committee, created in 1943 during the course of the second investigation by the Justice Department,¹¹ continued to exist and to provide one of the legal means for processing loyalty cases. In the period July 1, 1942, to June 30, 1945, 6,193 cases under these provisions were referred to the FBI for investigation, culminating in 101 dismissals, 75 other administrative actions, and 21 resignations during the probe.¹²

To complete this picture of actions on grounds of disloyalty prior to the loyalty program in 1947, brief reference may be made to applicants and appointees (prior to certification) concerning whose acceptance or rejection the Civil Service Commission has final authority. The Commission had a broader frame of reference than did employing agencies with reference to permanent employees. Its regulations permitted it to find applicants or appointees ineligible if there existed "reasonable doubt" as to loyalty.¹³

During the period from July 1, 1940, to March 31, 1947, there were only 1,313 rulings of ineligibility where disloyalty was a major factor, out of a total of 43,811 ratings for all causes.¹⁴ This tabulation, however, was qualified by the fact that the Commission had resources during this period to investigate only 395,000 out of a total of 7,000,000 placements.

Notwithstanding these efforts by the executive branch to keep out or remove disloyal persons, concern was expressed in Congress as to the lack of uniformity of procedures for handling loyalty cases and the absence of central responsibility for action.¹⁵ Despite favorable developments in the

¹¹ Executive Order 9300, Feb. 5, 1943 (*Fed. Register*, Feb. 9, 1943, 1701). This incorporated the term "subversive activity," without definition.

¹² *Report of the President's Temporary Commission on Employee Loyalty*, 16-17. This compilation was supplemented by a report by the second interdepartmental committee, covering the period from February 5, 1944, to December 2, 1946 (involving about five months' overlapping), indicating 654 cases on which final action was reported, which produced 24 discharges and three other disciplinary actions. (*Ibid.*, 20.)

¹³ Cf. Cushman, *op. cit.*, 313. A similar criterion was applied to war service appointees. Cf. *Friedman v. Schwellenbach et al.*, 159 F. (2d) 22 (C.C.A., D.C., Dec. 16, 1946). The Commission's letter of May 5, 1944, to Friedman explained that he had been removed from the War Manpower Commission mainly because of his activities in connection with the American Peace Mobilization (a "front" group) and his Communist "party line" attitude.

¹⁴ Testimony by Commissioner Arthur Flemming before the House Civil Service Committee on June 4, 1947. (Hearings on H. R. 3588, a bill to provide for a Federal Employee's Loyalty Act, 80th Cong., 1st Sess., 54.) The total included 714 Communists or followers of the Communist party line, the other 599 being members of Nazi, Fascist, and Japanese groups.

¹⁵ Criticism of the executive branch was expressed in extreme form by the House Committee on Un-American Activities and in 1943 by the Kerr subcommittee of the House Appropriations Committee, which held several prominent officials "subversive" and therefore "unfit to continue in government employment" and recom-

war to 1946, this criticism increased and resulted in House approval of a general study of the problem, and in hearings by a subcommittee of the House Civil Service Committee from January to July, 1946. The committee's report¹⁶ led to the creation in November, 1946, of the President's Temporary Commission on Employee Loyalty, composed of six leading executive officials and instructed to inquire into the standards and procedures for investigating employees and applicants and for removing or disqualifying any "disloyal or subversive" person.¹⁷

After receiving written responses to special letters sent to the FBI and the military intelligence services, and to general letters directed to fifty executive agencies, and after hearing statements in executive session by the Attorney-General, the Assistant Director of the FBI and the chairman of the Interdepartmental Committee on Loyalty Investigations, this Commission prepared a report with recommendations dealing with general standards for ascertaining disloyalty and with procedures for investigating the employees in the executive branch and for handling cases. These recommendations were incorporated directly in Executive Order 9835.

With reference to the earlier efforts, the Commission concluded that they were well intended but were "ineffective in dealing with subversive activities which employ subterfuge, propaganda, infiltration, and deception."¹⁸ It expressed its belief, however, that "the vast majority of federal employees are loyal," but that "some" are subversive or disloyal. The number of these was difficult to assess "because of the secretive manner and method of their operation." It concluded that "whatever their number, the internal security of the government demands continuous screening . . . of present and prospective employees. The presence . . . of *any* disloyal . . . persons . . . presents a problem of such importance that it must be dealt with vigorously and effectively."¹⁹

mended the withholding of payment of their salaries. "Subversive activity" was loosely defined as that "which seeks to undermine its [U. S. government's] institutions . . . to distort its functions . . . to impede its efforts, the ultimate end being to overturn it all. . . ." (H. Rept. 448, 78th Cong., 1st Sess., 5.) Cf. F. Schuman, "Bill of Attainder in the Seventy-eighth Congress, in this REVIEW, Vol. 37, p. 819 (Oct. 1943); A. W. Macmahon, "Congressional Oversight of Administration," *Polit. Science Quarterly*, Vol. 58, p. 170 (June 1943).

¹⁶ Cf. *Cong. Record*, July 20, 1946, 9601 ff.

¹⁷ Executive Order 9806. This commission included A. D. Vanech, special assistant to the Attorney-General, as chairman; Harry Mitchell, president of the Civil Service Commission; John Peurifoy, Acting Assistant Secretary of State for Administration; Edward Foley, Jr., Assistant Secretary of the Treasury; Kenneth Royall, Under Secretary of War; and John Sullivan, Under Secretary of the Navy. Rep. Rees, a member of the House subcommittee, had opposed a commission of executive officials, favoring instead a continued study by the House Civil Service Committee to devise means for "eliminating without delay employees . . . when there is reasonable doubt concerning their loyalty."

¹⁸ Report, *op. cit.*, 7.

¹⁹ *Ibid.*, 23. Italics in the original.

The facts presented to the Commission did not enable it to determine the extent of such a threat to our system of government. Nevertheless, it believed that the recent Canadian espionage exposé, the Communist party line activities of some of the leaders and members of a government employee organization, and current disclosures of disloyal employees provided "sufficient evidence to convince a fairminded person that a threat exists."²⁰

To provide adequate protection for the security of the government, the Commission suggested two mutually dependent lines of attack. Unless both were carried out, this basic objective could not be achieved. The first was described as "the counter-espionage phase of counter-intelligence . . . designed to protect our Government from all types of espionage infiltration by the penetration of enemy and subversive networks." The second was identified as the barring of disloyal persons from the government—"counter-intelligence in its defensive rather than offensive aspect."²¹

Although the Commission especially stressed the first approach and warned against a "disproportionate preoccupation with the question of employee loyalty alone," it did not consider means for its implementation, since the Commission's frame of reference had not included that question.²² The subsequent loyalty program appears to have been designed mainly in terms of the second approach.

II

The broad purpose of the loyalty program enunciated by the Commission and adopted in the preamble of the Executive Order is twofold: not only to afford "maximum protection . . . [to] the United States against infiltration of disloyal persons into the ranks of its employees," but also to afford "equal protection from unfounded accusations of disloyalty . . . [to] the loyal employees of the Government." To this second official objective may be added, think some observers, the assumption that the program was undertaken in part to forestall more drastic action against employees by Congress.

Whether or not this belief is correct, the sweeping accusation sometimes heard that the loyalty order is an intentional attack upon the employees' civil liberties appears untenable. Actually, the order proposed the first general and fairly orderly procedure, with provision for appeal, made mandatory as a prerequisite to dismissal on grounds of disloyalty.²³ The possible unintended effects of the program on civil liberties and the quality

²⁰ *Ibid.*, 21. The employee organization mentioned was undoubtedly the United Public Workers of America (C.I.O.), which had received considerable Congressional criticism.

²¹ *Ibid.*, 22.

²² *Ibid.*

²³ Cf. Robert Cushman, "The Loyalty Order," *Survey Graphic*, Vol. 36, p. 284 (May, 1947).

of the federal service present another question, examined briefly at the conclusion of this article.

The standard of disloyalty set forth in the Order consists of the general test that "on all the evidence, reasonable grounds exist for belief that the person involved is disloyal to the government of the United States." Six "activities and associations" may be considered. In brief, these are (1) sabotage and espionage; (2) treason or sedition or advocacy thereof; (3) advocacy of revolution or force to alter the constitutional form of government of the United States; (4) intentional, unauthorized disclosure of confidential documents under circumstances indicating disloyalty; (5) acting so as to serve the interests of another government in preference to the interests of the United States; (6) "membership in, affiliation with, or sympathetic association with any foreign or domestic organization, association . . . designated by the Attorney-General as totalitarian, fascist, communist, or subversive. . . ."²⁴

This part of the Order has evoked considerable criticism largely focused on the sixth point. Some questions have been raised about the wording of other points which could lead to undesirable and probably unintended interpretation, but limitations of space preclude their analysis here. The opposition to the sixth point has generally centered on the vagueness of the terms, the possible implication of "guilt by association," and the seemingly unrestricted authority assigned to the Attorney-General.

The indefiniteness of the words used is undeniable, and it may be doubted whether specific and completely satisfactory definitions could be evolved for them.²⁵ A further potential difficulty was seen in the Order's failure to indicate that the "sympathetic association" must be with the portion of the organization's program making it "subversive," assuming that some of its objectives might be worthy.²⁶ Although the language of the Order would not necessarily preclude a violation of the fundamental American legal doctrine of punishment only for personal guilt,²⁷ subsequent official assurances have been given in this connection.²⁸

²⁴ Part V.

²⁵ An interesting attempt has been made by the Friends of Democracy, Inc., directed by Mr. L. M. Birkhead, to explain "How to Identify an American Communist" (in Feb., 1947) and "How to Recognize an American Pro-Fascist" (in May, 1947)—summarized in *New York Times*, Feb. 26 and May 26, respectively. Even these formulae, however, have elements of ambiguity and could be given a more inclusive application than the authors may have intended.

²⁶ Cf. Cushman, *op. cit.*, note 23; also letter to the *New York Times*, Apr. 13, 1947, from Dean Griswold and Professors Chafee, Katz, and Scott of the Harvard Law School.

²⁷ Cf. *Bridges v. Wixon*, 326 U. S. 135 (1945); Z. Chafee, Jr., *Free Speech in the United States* (Harvard University Press, 1941), 470-484.

²⁸ In a "Statement on Loyalty," issued by President Truman on November 14, 1947, it was specified that "membership in an organization is simply one piece of

Discussion of the power (or onerous duty) given to the Attorney-General concerning organizations has emphasized that they were not granted open hearings with an opportunity to defend themselves, and that no provision was made for publication of the list of organizations so designated, so as to permit employees to be fully informed as to the government's attitude concerning them.

The former criticism has received no official rebuttal or explanation other than the statement that the Executive Order contains no authorization for hearings.²⁹ The latter question has been answered. After months of study of voluminous files on more than three hundred organizations by a staff of Justice Department lawyers said to number as many as thirty,³⁰ Attorney-General Clark finally on November 24, 1947, transmitted a list of designated organizations, as required by the Executive Order, to the chairman of the Loyalty Review Board, who published it on December 4. The Attorney-General explained that the FBI investigative reports were correlated and that memoranda on each organization were prepared and reviewed by the Solicitor-General, the Assistant Attorneys-General, the Assistant Solicitor-General, and by himself.

Notwithstanding this screening process, and the Attorney-General's qualification that it is possible that many loyal persons belong to the groups, the list received considerable comment, some finding it too restricted or too inclusive.³¹ The list included 47 groups named in 1943 for reference only by executive agencies; 33 newly designated organizations (including several affiliates of the Communist party and of the Civil Rights Congress); and 11 schools, said to be adjuncts of the Communist party. The accompanying letter noted that the list was neither complete nor final. A number of small and local groups were not included; many were not added because the available information was insufficient. Others, innocuous at the time, might become dangerously infiltrated, and new ones might be formed.³²

The first legal challenge to this action was made by one of the designated organizations, the Joint Anti-Fascist Refugee Committee. Mr. O. John Rogge filed suit in its behalf in a federal district court in Washington, D.C., in February, 1948, charging that the Executive Order violated due

evidence which may or may not be helpful in arriving at a conclusion as to the action which is to be taken in a particular case." *New York Times*, Nov. 15, 1947. This was repeated in the statement of "Regulations for the Operations of the Loyalty Review Board," adopted by the Board on Dec. 17, 1947, p. 8.

²⁹ Letter, dated Feb. 10, 1948, to the writer from Assistant Attorney-General T. Vincent Quinn.

³⁰ *New York Times*, Dec. 7, 1947.

³¹ Cf., e.g., article by Dillard Stokes and editorial in *Washington Post*, Dec. 6, 1947; ed. *New York Times*, Dec. 8, 1947.

³² A copy of the seven-page list and letter may be obtained from the Civil Service Commission.

process by depriving the organization of a hearing. It was alleged that the Committee had suffered such damages as loss of tax-exempt status, financial backers, and friends.³³

III

The operation and procedures of the loyalty program may now be outlined. The program was not actually started until August, 1947. Additional funds were sought in May after a Budget Bureau study,³⁴ but Congress did not act on the request until late July. One reason for the delay was the consideration of a bill introduced by Representative Rees to replace the executive program. This measure adopted substantially the same standards as the Executive Order, but altered the procedures in such a way as to arouse doubt by executive officials as to its administrative feasibility and its probable cost.³⁵ It was passed by the House, but not reported from committee in the Senate.³⁶

At the end of July, the executive program was granted \$11,000,000,³⁷ and in August it was begun. The preliminary service-wide check required each of the approximately two million employees to be finger-printed and to answer a short questionnaire, designed only for identification purposes. Contrary to popular impression, it did not involve any attesting of loyalty or disclosure of membership in political organizations.³⁸ The occasional

³³ *New Republic*, Vol. 118, p. 5 (Feb. 23, 1948).

³⁴ The supplemental budget request for the current fiscal year totalled \$24,900,000, including \$16,160,000 for the Civil Service Commission and \$8,740,000 for the FBI. (H. Doc. 242, 80th Cong., 1st Sess., p. 1, May 9, 1947.) Any additional expenses in other agencies would be met by transfer from this amount.

³⁵ H. R. 3588. Hearings were held during June 3-10 by a subcommittee of the House Civil Service Committee. A detailed analysis of its administrative implications and a comparison with the Executive Order were presented by Civil Service Commissioners Mitchell and Flemming. In general, the bill sought to concentrate responsibility in the FBI and to authorize a central, independent review board, with six-year terms, to remove disloyal employees or appointees. H. R. 3813, with slight modifications, was substituted for it and presented to the House on June 12.

³⁶ Passed in the House by 319-61, with 49 not voting. *Cong. Rec.*, July 15, 1947, 9156. Debate, including some discussion of the Executive Order, on pp. 9118-9156.

³⁷ Including \$3,500,000 for the Civil Service Commission and \$7,500,000 for the FBI (H. Rept. 1053, transmitting 2nd Supp. Approp. Bill, 1948, July 24, 1948, approved by both houses). Rep. Taber reported the Appropriation Committee's dissatisfaction with the Commission's plans, adding that its activity should be restricted "to the barest minimum" and that it should rely on the FBI for investigative reports. The cut in the FBI estimate was made because of the passage of time since May.

³⁸ Form 84-A, Request for Report on Loyalty Data, Aug. 4, 1947. The only question concerning organizations asked about affiliations, other than religious or political. Rep. Daniel Reed called this an "escape clause for Communists." *Cong. Rec.*, Jan. 14, 1948, A 173. Rep. Wigglesworth, chairman of a House appropriations subcommittee, questioned Commissioner Flemming about this. The latter explained that the question was included solely to aid in identification. A question

highlighted refusal to answer has represented, not an attempt at concealment, but a general protest against the program.³⁹

The next step was the transmission of these completed questionnaires to the FBI for a file check to determine the existence of "derogatory information." If none is found, there is no further investigation, and the form is returned with such notation to the Civil Service Commission and then forwarded to the employing agency. However, if some data or allegations which might have relevancy to loyalty are revealed, the Bureau then undertakes a "full field investigation" of the individual.

At the outset of the program, it was estimated that approximately two per cent of the names would produce such a question.⁴⁰ On March 16, 1948, however, FBI Director Hoover announced that 1,005,944 names had been cleared and that only 777 full investigations had been instituted. Of these, 170 had been completed, resulting in 33 determinations of loyalty and 94 adverse findings.⁴¹

After such an investigation has been made, the agent's report is subjected to review at several levels within the FBI. If there is an adverse finding and it is approved by the Bureau, the report is sent to the appropriate agency loyalty board, composed of not fewer than three persons. If this board's examination of the report, possibly supplemented by information obtained from the employee, results in an adverse determination, a letter of charges is sent to the employee. This document contains the charges in factual detail "so far as security considerations will permit" and a statement of the employee's right to answer them in writing within ten days and of his right to have an administrative hearing, in which he may appear, be represented by counsel, and present evidence. The hearing

as to political affiliation would be contrary to civil service principles and, in any case, would not disclose disloyal affiliations, since Communist party or "front" organization members generally conceal such fact. (Hearings on Independent Offices Appropriation Bill for 1949, 80th Cong., 2nd Sess., Feb. 14, 1948, 853.)

³⁹ Professor Colston Warne, an unpaid consultant to the Council of Economic Advisers, refused to sign, on principle (*New York Times*, Oct. 30, 1947; see also his letter in that paper on Nov. 11; he was retained but required to pay his own expenses.) The first regular employee reported to have refused was Walter Davis, a disabled veteran in the Veterans Administration, who declared he was not a Communist but that he had not fought for the kind of government "that tells you—'sign this, or else'." (*New York Times*, Dec. 7, 1947). The sequel, if any, was not reported.

⁴⁰ Flemming, *op. cit.*, *supra*, note 14, at p. 28.

⁴¹ Five were found to be no longer employed, and 38 resigned during the investigation. *New York Times*, Mar. 17, 1948. An interesting by-product of this fingerprint check is that of the 410,211 prints received from August 1 to December 1, 1947, 11,511, or 8.5 per cent, were revealed as having police records. (J. E. Hoover, in testimony before the House Appropriations Committee, Hearings on the Justice Department Appropriation Bill for 1949, 80th Cong., 2nd Sess., Dec. 10, 1947, p. 238.)

is private, and a copy of the transcript of proceedings is furnished to him.

If the finding after hearing is adverse, the employee may be suspended, but he then has the right of further appeal within ten days to the agency head. The latter, or his designee, may fix the scope and extent of the hearing. A third appeal within twenty days after receipt of final decision may be carried to the central Loyalty Review Board. The membership of this Board, authorized by the Executive Order, was announced on November 8, 1947, by the Civil Service Commission after the list of twenty members had been approved by the President. The members are private citizens, meeting from time to time and serving without compensation. The membership was subsequently increased to twenty-three, with a potential total of twenty-five. The Board is representative of a broad cross-section of the public and includes several prominent professors of political science, lawyers, and others.⁴² The Board held its first meeting on December 3, resulting in the development of a statement of principles and procedures for itself and for the agency and regional boards, which was issued on December 17.⁴³

Appeal to this Board may also be made by an applicant for federal employment after he has had recourse to the appropriate regional loyalty board, created and staffed by the Civil Service Commission in fourteen regions. The procedures are similar to those followed by the agency boards. The name check, instituted for all applicants after September 30, 1947, is conducted by the Civil Service Commission and is required, by the Executive Order, to be made against not only the files of the FBI and of the Commission, but also those of the military intelligence agencies, the House Committee on Un-American Activities, local law-enforcement agencies, schools and colleges of the applicant, his former employers, references given by him, and other appropriate sources.

If "derogatory information" is produced by this check of an estimated 500,000 applicants per year—which might occur in 2.6 per cent of the cases, according to an early Commission estimate—a "full field investigation" is made by the FBI.

The time which will probably be required for adjudication and appeal of such cases is uncertain. With reference to employee appeals, assuming that they are carried to the central board, the maximum time for an individual case has been estimated at ninety days.⁴⁴ The handling of all ap-

⁴² A list of the 23 members, with brief biographical sketches, was inserted in the Hearings of the House Appropriations Subcommittee on the Independent Offices Appropriation Bill for 1949, Feb. 14, 1948, 841-2.

⁴³ A general ten-page statement was published on Dec. 23 by the chairman, Mr Seth Richardson. Mimeographed copies of these documents may be secured from the Civil Service Commission.

⁴⁴ Mr. Fleming, in Hearings, *op. cit.*, *supra*, note 38, at p. 245.

pealed employee cases should be completed by October, 1949.⁴⁵ It is believed, however, that few cases—perhaps twenty per cent at the most of those in which there are original adverse determinations—will reach the top level. A large proportion of the cases will probably be “washed out” by the agency boards or heads—that is, the persons will either be cleared or the charges against them may be so convincing that they will not appeal. Thus the major work load may fall on the agency boards.⁴⁶ The relatively few cases reaching the top board will be assigned to hearing panels whose decisions may be reviewed by the full board at its discretion.

The central Loyalty Review Board, however, is expected to set the general tone of the loyalty program and, in the words of its chairman, to “do its utmost to see that justice is done, that individual rights are protected as fully as may be.” A basic dilemma was presented to it in the fact that the FBI report is vital to the entire program and that the Bureau has stated that if confidential sources are involved, their disclosure would greatly reduce the Bureau’s resources. Director Hoover has declared that his agency is charged “more primarily with the security of the country from espionage or sabotage,” and that it is necessary to have certain informants who will furnish data of very secret character whose disclosure would be detrimental to such security. Such sources he will not identify. Two other types of informants, he has stated, can be revealed. These are the “contact type” (who may be a lawyer, Congressman, or prominent business man) and the “next-door neighbor or fellow employee.” Even in such instances, however, the informants’ identity could be revealed only upon the basis of their previous consent. If such were sought, he doubts whether much information could be obtained.⁴⁷ Nevertheless, the possibility of personal grudges and malicious rumor should be considered.

According to the original view of the chairman of the Board, it will probably not be practicable to permit cross-examination “in the great majority of cases.” On the other hand, it is said that a FBI representative will be available to evaluate for the hearing board the reliability of the confidential source. Furthermore, the disadvantage to the employee of non-confrontation of witnesses will be considered in the adjudication. An additionally stated justification of this policy is that, legally, the government is entitled to discharge any employee for reasons which seem sufficient to it and without granting any hearing.

Although technically the constitutional guarantee of confrontation in criminal prosecutions does not apply, the case for its use presented “grave

⁴⁵ Mr. L. V. Meloy, executive secretary, Loyalty Review Board, in letter to writer on Jan. 26, 1948.

⁴⁶ Mr. Meloy, in interview with writer on Dec. 30, 1947. A master index of investigations since 1939 will be maintained by the Civil Service Commission.

⁴⁷ Hearings, *op. cit.*, *supra*, note 41, at p. 245.

considerations" to the Board. Serious critics, while accepting the FBI explanation, have suggested that although confidential informants may be used in the investigation, the record used by the board could be restricted to the testimony of those who could be confronted and examined—a procedure somewhat comparable to that necessarily used in some narcotics, sedition, and immigration prosecutions, even though conviction may be rendered more difficult.⁴⁸

A more fundamental rebuttal is made to the point that government employment is a privilege rather than a right. The possible consequences of a finding of "disloyalty," or perhaps even of an unfounded allegation thereof, on the individual's future employment prospects—private as well as public—and on his reputation cannot be over-emphasized.

This problem has been underlined with reference to a segment of the loyalty question outside the scope of the program instituted by Executive Order 9835. The State, War, and Navy Departments have the statutory power to remove summarily any employee "in the interest of national security." This was given to the two military agencies in 1942 and extended to the State Department in 1946 on the assumption that these are more sensitive to the destructive influence of disloyal persons.⁴⁹

The severe consequences potentially inherent in the use of this authority became clear in the highly publicized instance of the dismissal of ten State Department employees as "security risks" on June 23, 1947. The charges were not specified, on the ground that they were based upon highly classified material. Following the establishment of formal appeal procedures within the Department in July and review of the cases, three were permitted to resign without prejudice. After considerable press criticism, an appeal in their behalf by three prominent former administrative officials, and a determination that the newly created Loyalty Review Board did not have jurisdiction in the matter, the Department on November 17 allowed the other seven to take similar action. Its statement recognized the factor of a "possible injustice" to them (in terms of employment opportunity) if such were not done.⁵⁰

⁴⁸ Cf., e.g., letter to the *Washington Post*, Jan. 17, 1948, from Mr. Abe Fortas former Under Secretary of the Interior.

⁴⁹ War and Navy: 56 Stat. 1053 (1942) (until six months after the official termination of war); State: 60 Stat. 453 (1946) ("McCarran rider" to the appropriation act). Executive Order 9835 excepted these laws from its applicability. The President's Temporary Commission on Employee Loyalty recommended that this authority be made permanent and extended to the Atomic Energy Commission. This was proposed in S. 1561 (by Sen. Gurney) on July 2, 1947, but the bill was not reported. The Atomic Energy Act, however, requires an FBI investigation of every employee of the AEC (60 Stat. 767). An effort has been made by Senator Knowland to require this also of the members of the AEC (Cf. *Cong. Rec.*, Feb. 2, 1948, 888).

⁵⁰ *New York Times*, Nov. 17, 1947. It was reported that they could have appealed to the Civil Service Commission for possible clearance for other "non-security"

An appraisal of the validity of the State Department's position in this entire situation will not be attempted; nor is it feasible to examine here the confused and seemingly partial statistical picture of dismissals made under this authority by the military agencies. While more recent developments seem to indicate that appeal to the Loyalty Review Board may be granted in such cases, and that the accused will be informed generally of the charges—except perhaps in “extreme” cases—a problem appears to remain. The wisdom of the use of the very inclusive term “security risk” has been seriously questioned. In defining this phrase on October 7, 1947, the State Department lumped together loyalty considerations with character weaknesses, such as habitual drunkenness.⁵¹

It has been asked whether it is just, or even necessary, to remove an employee from a “security” position by means of such a charge if there is no imputation of disloyalty, certainly a more serious blot than some more common character weakness. The necessity of such a method of removal, even assuming that the dismissal may be essential where a “security” position is involved, has been doubted, in view of the already established legal basis for discharging such persons.⁵² Whatever may be the technical considerations, the expression “security risk” seems to imply, in the public mind, a basic element of disloyalty. At the least, the two labels should be clearly distinguished.

A final and perhaps most fundamental problem arising from the entire loyalty program is the effect it might have on the freedom of expression and the caliber of the federal service. This psychological factor is intangible and perhaps immeasurable. However, it has been emphasized that we live in difficult times and need bold, imaginative persons in government. In the field of atomic and other scientific research—to cite merely one area of governmental responsibility—it has been said that we need the free-thinking scientist, sometimes tending to be unorthodox. Although unquestionably loyal, he might be deterred from public service because of the risk of being misunderstood or branded.⁵³

The ultimate hope for preventing such an atmosphere may lie in the Loyalty Review Board. Demoralization, apprehension, and encouragement of negativism and mediocrity in government can be checked only if there is confidence in the fairness, courage, and broadmindedness of those who have final responsibility for administering the loyalty program.

government employment, but that they did not seek other government work. Space limitations prevent a review of the developments. See especially the articles in the *New York Herald-Tribune* by Bert Andrews during that period.

⁵¹ Text of Security Principles, *New York Times*, Oct. 8, 1947.

⁵² Cf. editorial, *Washington Post*, Nov. 8, 1947. Civil Service Commissioner Flemming is quoted as having stated that the Lloyd-LaFollette Act of 1912 provides adequate machinery for handling such cases.

⁵³ Cf. Sumner Pike, “Witch Hunting Then and Now,” *Atlantic Monthly*, Nov., 1947, 93-4. The author is a member of the Atomic Energy Commission.

THE WHITE PRIMARY: 1944-1948

O. DOUGLAS WEEKS

University of Texas

I

The closing chapter in the history of the white primary in the South has seemed since 1944 to be in process of being written. In that year, the United States Supreme Court, by invalidating in *Smith v. Allwright* the white primary rule of the Texas state Democratic convention, dealt a stunning, if not immediately mortal, blow to this most significant political custom or practice of the Southern states. The refusal of this court on April 19, 1948, to review a federal circuit court decision invalidating the white primary arrangements of South Carolina, created in 1944 to circumvent the effect of the Allwright decision, seems to have administered the judicial *coup de grâce*.¹ It would, however, be unsafe to predict when "finis" may be set down for all states, political areas, counties, and voting precincts where by one means or another the Negro has long been barred from participation in the all-important primaries of the Democratic party. The remaining suffrage requirements, registration restrictions, and election provisions, and the political and administrative methods of applying them which still are employed in some Southern states and in parts of others in order to render it difficult for Negroes to vote will not be immediately eliminated. Moreover, the effects of political action have not been fully tested by the Democratic leaders of the South. At the present moment, plans for united efforts on their part are under consideration; and these could have far-reaching results before the end of the current presidential election year.² Whatever the abstract justice of the situation, traditional attitudes and customs cannot be uprooted easily and have a way of resisting judicial or legislative fiat, particularly when it is honestly felt by many that such fiat has been imposed from the outside and by people unaware of the difficulties and adjustments involved.

Be that as it may, remarkable changes have taken place both in the practical voting arrangements and in the viewpoints of many people within the South, and, as a result, large numbers of Negroes were admitted to the Democratic primaries of 1944 and 1946. The primary campaigns of those years, none the less, were seriously affected by the racial issue, and it may assume even greater importance during the present election year. Since 1944, most "liberal" politicians of the South have been more or less "guarded" in taking too advanced a stand. Ultra-conservative leaders, like Talmadge and Bilbo, have gone to extremes in defending "white

¹ *Smith v. Allwright*, 321 U. S. 649 (1944); *Rice v. Elmore*, 68 S. Ct. 905 (1948).

² *Austin (Texas) American*, Feb., 4, 1948, p. 1.

supremacy." Many persons, however, while apprehensive about the effects of precipitate reform, have sought to "soft pedal" the issue, with the attitude either of accepting the inevitable or of relying more or less on passive resistance. Officially, the active opposition to admitting Negroes to the Democratic primaries has assumed the forms of Democratic party action, legislative devices, adjudication, and constitutional amendment. Local administration of registration and election laws has also played its part, and various types of practical political pressure have been noteworthy in states and areas with large Negro populations. These efforts have been fought step by step by the National Association for the Advancement of Colored People and by a considerable number of other Negro organizations, as well as by various bi-racial and white associations sympathetic toward their cause. The national Administration and the national Democratic party have lent aid and comfort in various ways. Of recent importance in this connection have been the Report of the President's Committee on Civil Rights³ and the President's so-called "Ten-Point Charter of Human Rights."⁴ Mention might be made also of the persistent efforts in Congress over the past several years to pass the federal Anti-Poll Tax Bill, the civil rights plank in the Democratic platform of 1944,⁵ and various reported activities of the Department of Justice in an effort to enforce Sections 19 and 20 of the U. S. Criminal Code.

It is with the efforts to resist the full impact of the Allwright decision, however, that we are here concerned. The entire story is complex and only the most significant developments can be summarized. With the situation in each state having its peculiar factors, it seems best to give separate consideration to each.

II

It is not necessary here to define the meaning of the term "white primary," to explain the white primary's origin and elaborate its variations from one Southern state to another, or to trace the evolution of its constitutional and legal status prior to the beginning of the present decade.⁶ Suffice it to say that after a series of federal Supreme Court decisions beginning in 1927 and terminating with *Grovey v. Townsend* in 1935,⁷ the barring of Negroes from Democratic primaries by party rule was apparently established on firm constitutional grounds, at least in states where

³ *To Secure These Rights; Report of the President's Committee on Civil Rights* (Washington, 1947), submitted Oct. 29, 1947.

⁴ *New York Times*, Feb. 2, 1948, p. 1.

⁵ *Democratic Platform*, 1944, Sec. VII.

⁶ For the previous history, variations, and legal status of the white primary, see O. Douglas Weeks, "The White Primary," *Mississippi Law Journal*, Vol. 8, pp. 135-153 (Dec., 1935).

⁷ 295 U. S. 45 (1935).

the conditions surrounding it were similar to those in Texas, to which the decision applied—that is to say, where, as in Texas, the primary election was financed and administered by the party, even though minutely regulated by law, where the state supreme court had held either that the primary was not a public election or an integral part of the general election system or that the party holding it was a voluntary organization free to determine its own membership, and where the state party convention as the highest authority of the party had laid down the white primary rule. These were the conditions incident to the white primary's validity as set forth in the *Grovey* decision, and they obtained in whole or in part in half of the Southern states.⁸

Thus far, the federal Supreme Court had not held a primary to be an integral part of an election.⁹ However, in *United States v. Classic*,¹⁰ decided in 1941, this tribunal asserted that a primary in which candidates for Congress were nominated was a component part of an election process in which the general election was only the final step, and that Congress might regulate primaries for federal offices as a part of its power to legislate in regard to general elections for such offices. This case did not involve the white primary, but it prepared the way for *Smith v. Allwright*, which reversed *Grovey v. Townsend*. Essentially the same facts were involved in both of the latter cases. The white primary rule of the Texas state Democratic convention was now declared to be an act of the state, since the primary statutes of Texas created the convention which made the rule and provided in detail for its powers and procedures, as well as prescribing minutely the conduct of the primary elections. Needless to say, this reversal produced dismay and led to a wide variety of actions in the Southern states.

Resistance to the *Allwright* decision in Texas took the immediate form of an unsuccessful attempt on the part of the state attorney-general to secure a rehearing of the case.¹¹ While the state-wide white primary rule was abandoned for the 1944 Democratic primaries, the decision produced repercussions in the politics of the state. The Democratic convention, held in May, 1944, and controlled by the "regular" Democrats, condemned the decision and chose a national convention delegation and an electoral slate opposed to President Roosevelt. A bolting convention at the

⁸ *Waples v. Marrast*, 184 S. W. 180 (Tex., 1916); *Bell v. Hill*, 74 S. W. 2d 113 (Tex., 1934); *Robinson v. Holman*, 26 S. W. 2d 66 (Ark., 1930); *Norton v. State*, 63 S. E. 662 (Ga., 1909); *State v. Huntley*, 166 S. E. 637 (S. C., 1932); and *Wood v. State*, 142 So. 747 (Miss., 1932).

⁹ The issue was met indecisively in *Newberry v. United States*, 256 U. S. 232 (1921).

¹⁰ 313 U. S. 299 (1941).

¹¹ Rehearing denied, May 8, 1944.

same time selected pro-Roosevelt delegates and electoral candidates.¹² Later in 1944, after the September state Democratic convention had nominated a pro-Roosevelt electoral ticket which was upheld by the state supreme court as the official Democratic electoral list,¹³ the "regular" Democrats became the "Texas Regulars." Antagonisms thus created continued into the primary elections of 1946. It may be added that the only suffrage restriction in Texas directed in part against the Negro is the poll-tax requirement, and Negroes have long been otherwise free to vote in general, municipal, and school elections in many localities. Since 1944, Negroes have been paying their poll taxes in greater numbers and have been admitted to Democratic primaries more or less freely in many counties.

Less direct resistance seems to have obtained in Louisiana, North Carolina, and Virginia. The Democratic party of Louisiana early repealed its white primary rule. North Carolina is reported to have had only local rules in some counties. Negroes have voted heavily in Democratic primaries in Virginia, at least recently. All three states, however, have the literacy test, which has probably operated, particularly in Louisiana, to prevent the registration of many Negroes. Louisiana also conditions registration upon "good character," capacity to "understand the duties and obligations of citizenship," and ability "to fill out and sign the blank application for registration . . . without assistance or suggestions from any person or any memorandum whatever. . . ." Illiterates may be registered if they can "understand and give a reasonable interpretation of any section of either constitution (federal or state)."¹⁴

III

In Florida, action in the state courts was necessary to open the Democratic primaries to Negroes. On July 24, 1945, the supreme court decided that a Negro, otherwise qualified to vote under state law, was entitled to be registered as a Democratic elector notwithstanding the resolution of the state Democratic executive committee to the effect that only white persons "should be declared and taken as proper members of the Democratic party of the state." *Smith v. Allwright* was relied on as controlling authority.¹⁵

¹² Both delegations were seated in the Democratic national convention of 1944, although the "regular" delegates had threatened to bolt unless the national platform supported "white supremacy."

¹³ *Stanford v. Butler*, 181 S. W. 2d 269 (Tex., 1944); *Seay v. Latham*, 182 S. W. 2d 251 (Tex., 1945).

¹⁴ Registration Laws of Louisiana, 1946, Art. II, Secs. 1, 6. See also *Courtney v. Singleton et al.*, 27 So. 2d 448 (La., 1946), and *Hall v. Nagel*, 154 F. 2d 931 (1946).

¹⁵ *Davis v. State ex rel. Cromwell*, 23 So. 2d 85 (Fla., 1945).

Practical obstruction to Negro voting in primaries was reported as taking place in 1944 in various parts of Alabama. In 1946, the state Democratic executive committee voted to open the party primaries to Negroes.¹⁶ Meanwhile, however, the legislature had initiated, in 1945, the so-called Boswell amendment to the constitution of the state, which was ratified in November, 1946. This amendment added the words "understand and explain" to the literacy requirement for registration, and also appended the provision that "no persons shall be entitled to register as electors except those who are of good character and who understand the duties and obligations of good citizenship under a republican form of government." In addition, property qualifications as alternatives to the literacy test were repealed.¹⁷

In a case involving failure to register a Negro citizen in Alabama, decided early in 1947 by a federal district court, it was held that, while registration cannot be denied because of race, racial discrimination is not established by showing mere irregularities or inefficiency on the part of a board of registrars. That Macon county, from which the case arose, was 82.1 per cent Negro was not regarded as proof *per se* of racial discrimination. The Alabama statutes permit the board of registrars to "make such rules and regulations as it deems proper for the receipt of applications for registration." In a previous case involving the same facts, the federal Supreme Court had denied *certiorari*.¹⁸

In Arkansas, the state Democratic committee responded to the Allwright decision in July, 1944, by amending the party rules so as to permit primary election officials to challenge Negroes on grounds of "party loyalty." Later in that year, the committee acted to admit Negroes to the primaries "if they meet party loyalty requirements," but still excluded them from party membership.¹⁹ In 1945, however, the General Assembly provided for separate primaries for federal offices at which "no citizen shall be denied the right to vote . . . on any ground prohibited by the Fifteenth Amendment to the Federal Constitution." It was further provided that the costs of the federal primary should be borne by the counties, whereas those of the state and local primaries continued to be a charge on the party.²⁰ After being applied in one election, the act was re-

¹⁶ *New York Times*, Jan. 13, 1946, p. 37.

¹⁷ Amendment to Sec. 181, Constitution of Alabama, General Laws, Alabama, 1945, pp. 551-552; *New York Times*, Nov. 6, 1946, p. 8. Recent reports from Alabama indicate that the N.A.A.C.P. has plans under way to undermine the Boswell amendment. *Ibid.*, Oct. 5, 1947, p. 56.

¹⁸ *Mitchell v. Wright et al*, 69 F. Supp. 698 (1947); *Mitchell v. Wright*, 154 F. 2d 924 (1946); *Wright v. Mitchell*, 329 U. S. 733 (1946). See also *Williams v. Wright et al*, 29 So. 2d 295 (Ala. 1947).

¹⁹ *New York Times*, July 9, 1944, p. 30, and Sept. 17, 1944, p. 40.

²⁰ Acts of Arkansas, 1945, Act 107, p. 253.

pealed in 1947, and nominations for Congress are again to be made in the regular primary.²¹ While the separate primary was in effect, its validity was upheld by the supreme court of Arkansas under the proper provisions of the federal and state constitutions. In the course of its opinion, the court called attention to the optional character of the primary in Arkansas in contrast to the mandatory primary in Texas, but stated that "however revolutionary this decision [Smith v. Allwright] may be, it stands as the law of the land, and is as binding upon us as it is upon the state whose primary election law was there invalidated."²² The governor of Arkansas stated, however, before the primaries of 1946 that Negroes were not to be permitted to vote in the separate state and local primaries, and the state attorney-general so announced.²³ Registration of Negroes for 1946 was reported as heavy, although attempts were made, it is alleged, to dissuade many from voting.²⁴

IV

Efforts to maintain the white primary were more extended and complex in Georgia, Mississippi, and South Carolina. It is true that in 1944 Georgia repealed her constitutional poll-tax requirement for voting and otherwise liberalized her suffrage provisions; but at the same time all constitutional provisions pertaining to primaries were deleted,²⁵ the latter as a first step to removing primaries from state control. Meanwhile, the state Democratic committee, assuming that the Allwright decision did not apply to Georgia,²⁶ in its call for the Democratic primary of 1944 enacted the rule that "all white electors who are Democrats and qualified to vote in the general election, and who in good faith pledge themselves to support the Democratic candidates for all the offices to be voted on this year, are hereby qualified to vote in such primary."²⁷ As a result, Negroes were generally refused primary ballots.

A Negro—a qualified and registered voter—who was denied participation in this primary was sustained by a federal district court in his right to vote for congressional candidates.²⁸ Upon appeal, the Fifth U.S. Circuit Court advanced the doctrine that, while parties may limit their membership, the state of Georgia has not left party primaries wholly to the various parties, but has recognized the "great importance to the pub-

²¹ Acts of Arkansas, 1947, Act 14, pp. 23-24.

²² *Adams et al. v. Whittaker et al.*, 195 S. W. 2d 634 (Ark., 1946).

²³ *New York Times*, Apr. 7, 1946, p. 36, and July 15, 1946, p. 14.

²⁴ *Ibid.*, Aug. 5, 1946, p. 5.

²⁵ Constitution of Georgia, 1945, Art. II, Sec. 1, Par. 5.

²⁶ *New York Times*, June 8, 1944, p. 38.

²⁷ Quoted in *Chapman v. King*, 154 F. 2d 460 (1946).

²⁸ *King v. Chapman*, 62 F. Supp. 639 (1946).

lic of the results of a primary held by a numerous party, and has protected and regulated such primaries almost exactly in the same way it has regulated elections by the people." "The state," the opinion continues, "does not require a primary in any case, nor itself choose the primary managers, nor bear any of the expenses of the primary," and hence is in a different position from Texas and Louisiana where the primary is mandatory. Therefore, the Allwright and Classic cases, it was held, applied, respectively, to the conditions in those states and did not fit the facts in Georgia where the primary is optional. "But," adds the court, "there are features of the Georgia laws which seem to us to show that the state, when any party calls a primary, associates itself with the party holding it, and adopts the result as authenticating the successful candidate to be the nominee of the party for the official election ballot." Thus the state "adopts the primary as a part of the public election machinery. The exclusion of voters made by the party in its primary rules becomes the exclusion enforced by the state, and when such exclusions are prohibited by the Fifteenth Amendment because based on race or color, the persons making them effective violate, under color of state law, a right secured by the constitution and laws of the United States. . . ." ²⁹ Thus the court accepted the authority of the Allwright decision, but left the way open to the state to repeal all primary laws (as the state constitution now permitted, and as South Carolina had done in 1944) and thereby relinquish the whole matter of nominations to the party, whose right to control its own membership was left intact. Soon afterwards, the federal Supreme Court refused to review this decision by denying *certiorari*. ³⁰

The state Democratic executive committee let down the bars for the primary of 1946, and nearly 125,000 Negroes were registered (100,000 are supposed to have voted). Many attempts were made to dissuade Negroes from voting, and they were challenged in a wholesale fashion. While the Negro vote helped elect a congresswoman from the fifth Congressional district whose opponent had declared for "white supremacy," the bitterness of the gubernatorial campaign is well known. ³¹ Eugene Talmadge proclaimed the doctrine of "white supremacy" and promised that "no Negro will vote in Georgia for the next four years." ³² In a post-primary meeting of the state Democratic convention on October 9, 1946, a white primary rule was enacted. ³³ Following this, a bill was passed in 1947

²⁹ Chapman v. King, 154 F. 2d 460 (1946).

³⁰ Chapman v. King, 66 S. Ct. 905 (1946).

³¹ Consult *New York Times*, Jan. 13, 1946, p. 3; Feb. 13, 1946, p. 7; June 15, 1946, p. 3; July 4, 1946, p. 32; July 12, 1946, p. 15; July 14, 1946, p. 29; July 18, 1946, p. 1; and Sept. 7, 1946, p. 28.

³² Talmadge was nominated, but died before taking office. The dispute over his successor need not be considered here.

³³ To operate under the county unit system. *New York Times*, Oct. 10, 1946, p. 24.

by both houses of the General Assembly "to revise the election laws and to repeal all laws or parts of laws providing the method and manner of holding primary elections by a political party, organization, or association for the purpose of choosing or selecting candidates for office"; but it was vetoed by the governor on the ground that it would "allow fraud and stolen elections to run rampant in Georgia."³⁴ Subsequently, the state Democratic rules committee adopted a "white primary" under which Negroes will vote in separate buildings from white voters.³⁵

V

The Allwright decision had practically no effect in the Mississippi primary election of 1944. By 1946, however, the situation had changed. As explained by the Special Committee to Investigate Senatorial Campaign Expenditures in its majority report on the primary campaign of Senator Bilbo, several factors were responsible. The report stated that "due to the influence and intervention of certain out-of-the-state organizations, attempts were made to organize the Negroes and urge them to go to the polls and participate in the July 2 Democratic primary. These attempts were further facilitated by the passage in April, 1946, by the Mississippi state legislature of an act exempting all veterans, without reference to whether they were colored or white, from the payment of a poll tax for the 1944-45 period if they were in the armed services. The combination of these elements, together with agitation by certain radio commentators and correspondents from outside the state, and the return to Mississippi of large numbers of Negro veterans, contributed to a situation . . . in which great interest in this primary was exhibited on the part of both whites and Negroes."³⁶

The vituperative campaigning of Senator Bilbo and his supporters in behalf of white supremacy, the suffrage and election laws of the state, and the habitual methods of administering them, however, operated in 1946 to prevent the registration and primary participation of an overwhelming majority of Negroes. Since the adoption of the constitution of 1890, the literacy and other suffrage restrictions therein provided had served to bar the few Negroes who may have attempted to register; for the rest, "common knowledge" and "custom" were sufficient. The primary election law afforded another obstruction, if needed. It restricted participation in a party primary to the voter who intends to support all nominations made

³⁴ Acts and Resolutions of the General Assembly, Georgia, 1947, pp. 23-66. Attempts to repeal primary statutes in several other Southern states have failed for reasons similar to those expressed by the governor of Georgia.

³⁵ Sept. 22, 1947.

³⁶ Report of the Special Committee to Investigate Senatorial Campaign Expenditures, 1946, 80th Cong., 1st Sess., Report No. 1 (Washington, 1947), Part II, p. 14.

thereat, who has been in accord with the party holding such primary within the two preceding years, and who "is not excluded by any regulation of the state executive committee of the party holding such primary." Any party member or any primary election officer could challenge any person offering to vote, and cause him to answer, under oath, questions relating to his qualification.³⁷ The state Democratic executive committee, however, had promulgated no white primary rule, and after the Allwright decision, had unanimously decided that the Negro had a legal right to vote in the Mississippi Democratic primary; though, as one of its members testified: "We didn't tell the darkies that . . . he had a legal right to vote, but as I say, we thought he ought not to vote."³⁸

To strengthen the above primary statutes, however, the Mississippi legislature in 1947 authorized state executive committees of parties holding primaries to "make reasonable rules and regulations that will insure a fair primary" and empowered county executive committees to hold new registrations of party members and to appoint assistant managers in precincts to hear complaints of challenged voters—the county executive committees to make final decisions as to persons denied participation in primaries. No person is to participate in a primary who is not "in accord with the principles of the party" as proclaimed by its state executive committee.³⁹ The possibilities of these provisions are obvious.

VI

The reaction to the Allwright decision in South Carolina was immediate and the attempt to circumvent it most determined. Within a few days after the decision, a special session of the General Assembly, called for the purpose,⁴⁰ repealed "each and every provision in the laws of this state authorizing, recognizing, or regulating the organization of political parties . . . and the primaries, elections, or nominations in primary elections for a federal, state, county, or municipal office, or for any office in any other political division. . . ."⁴¹ The same session initiated a constitutional

³⁷ Mississippi Code, 1943, Sec. 3129.

³⁸ *Report*, Part II, p. 23.

³⁹ General Laws of Mississippi, 1947, H. B. 36, H. B. 38.

⁴⁰ On February 29, 1944, the lower house had reaffirmed its belief in "established white supremacy." Immediately after the decision, Senator Maybank of South Carolina warned the United States Senate that his state would retain its political and social institutions, "as we believe them to be in the best interests of our people, regardless of any Supreme Court decision or any law that may be passed by Congress." Governor Johnston, in his proclamation calling the special session, stated: "I know that the white Democrats of South Carolina will rally behind you in the matter of repealing all primary laws. . . . Should this prove inadequate, we South Carolinians will use the necessary methods to retain white supremacy in our primaries to safeguard the homes and happiness of our people." See *New York Times*, Apr. 14, 1944, p. 1, Apr. 18, 1944, p. 13.

⁴¹ Acts and Joint Resolutions, South Carolina, 1944, Sec. 2323, p. 2241.

amendment striking out the words: "The General Assembly shall provide by law for the regulation of party primary elections and punishing fraud at the same."⁴² The amendment was subsequently ratified. This was a new and drastic departure in the history of the direct primary, designed to circumvent in thorough fashion the effect of the Allwright decision. In fact, the courts would be forced to find a new and broader doctrine if the new arrangements in South Carolina were to be judicially undermined.

This doctrine was found by a federal district court in South Carolina in *Elmore v. Rice*, decided on July 12, 1947.⁴³ On the following December 30, the Fourth U.S. Circuit Court of Appeals sustained the decision. The federal Supreme Court on April 19, 1948, in a formal order refused to review the latter ruling.⁴⁴ *Elmore* was qualified to vote in South Carolina, but was deprived of voting on account of race in the Democratic primary by the party rules which now completely controlled it. The district court stated: "We need hardly look back of 1941 when the famous case of *U.S. v. Classic* was decided and a few years later in 1944 *Smith v. Allwright*. These two cases now completely control and govern the matters under discussion." The court relied particularly on a statement in *United States v. Classic* which reads: "Where the state law has made the primary an integral part of the procedure of choice, *or where in fact the primary effectively controls the choice*,⁴⁵ the right of the elector to have his ballot counted at the primary is likewise included in the right protected by Art. I, Sec.2." *Chapman v. King*, the Georgia case, was also cited as authority. The court then compared the situations in South Carolina before and after the repeal of the primary statutes and concludes that there was no substantial difference between them. After the repeal, the state democratic convention acted to embody all the former statutory provisions into the party rules. Thus the Democratic party occupies the same determining position that it had under the primary statutes. The party cannot be treated as a private business or a social club—it is the determining body in the choice of national and state officers in South Carolina. "It is time," concludes the court, "for South Carolina to rejoin the Union. It is time to fall in step with the other states and adopt the American way of conducting elections." In upholding this decision, the federal circuit court added little, except to say that "no election machinery can be upheld if its purpose or effect is to deny to the Negro, on account of his race or color, an effective voice in the government of his country or the state or the community wherein he lives." The reasoning of the lower courts was in effect accepted by the federal Supreme Court.

⁴² *Ibid.*, p. 2344, Constitution of South Carolina, Art. II, Sec. 10.

⁴³ 72 F. Supp. 516 (1947).

⁴⁴ *Rice v. Elmore*, 165 F. 2d 387 (1947), 68 S. Ct. 905 (1948).

⁴⁵ Italics added.

Thus, it would seem, the white primary proper is judicially ended. Certainly, no further efforts will be made to repeal primary statutes in order to place primary elections beyond the law, such as those unsuccessfully attempted in Florida, Georgia, Louisiana, Mississippi, and Texas between 1944 and 1948. The decision will not, however, dispose of all remaining suffrage and registration hurdles in the way of the Negro, nor will it insure that his vote if cast will always be counted. There will need to be legislation and litigation if these obstacles are to be removed. The President's Committee on Civil Rights has advocated the strengthening of national administrative machinery for the protection of suffrage and other rights, the establishment of a permanent Commission on Civil Rights and a Joint Standing Committee on Civil Rights in Congress, the enactment of the federal Anti-Poll Tax Bill, and the enactment of Congressional legislation to protect the right of qualified persons to participate in federal and state primaries and elections.⁴⁶ In his recent support of these and other accompanying recommendations, the President seems to have injected them deeply into both national and Southern politics. Under present political conditions, the possibilities of their realization in the near future are not clear. The history of the white primary, therefore, has not been entirely completed.

⁴⁶ *Report*, pp. 151-173.

THE RISE OF NEGRO VOTING IN TEXAS¹

DONALD S. STRONG

University of Alabama

Since Negro voting, or the fear of it, is the central issue around which so many other aspects of Southern politics are oriented, it is highly relevant to examine the emergence of Negro voting wherever it occurs in a Southern state. In Texas, the federal Supreme Court's "white primary" decision of April, 1944 (*Smith v. Allwright*), removed the most formidable barrier to Negro participation in politics and resulted in the entry of a significant number of Negroes into the electorate in 1946. Although Texas, with its relatively small Negro population (14 per cent) may not be an exact barometer to guide us in foreseeing the emergence of Negro voting elsewhere in the South, no one interested in predicting the future of this ticklish question can afford to ignore the Texas experience.

The exclusion of the Negro from Texas political life has never been

¹ Material not otherwise footnoted was gathered from personal interviews with white and Negro politicians in Texas in the summer of 1947. All data constitute a small part of a comprehensive, two-year study of the electoral process in the South undertaken by the Bureau of Public Administration at the University of Alabama.

complete. Texas has made use of neither the literacy or "understanding" test nor the involved registration procedures so effectively employed to limit Negro participation elsewhere in the South. In Texas, the white primary, the poll tax, and such extra-legal factors as an environment hostile to Negro assertiveness have been the only means used. The Negro has been categorically excluded only from the Democratic primary, the election that really counts. Thus, poll-tax paying Negroes have been legally eligible to vote in general elections, municipal elections, school board elections, special elections, and proposition elections concerning some special issue such as local option on liquor. Even the state-wide white primary is of fairly recent origin; it was only in 1923 that the Texas legislature passed a law barring Negroes from the Democratic primary, thus inaugurating the legal battle that produced the four Supreme Court cases on this issue. Before 1923, the Terrell election law² provided that "the county executive committee of the party holding any primary election may prescribe additional qualifications necessary to participate therein." This gave each county Democratic committee the power to say whether or not a voter needed the "additional qualification" of being white. Throughout the two decades prior to the act of 1923, Bexar county (San Antonio) Negroes were permitted to vote in primaries and constituted an important part of the local machine. In fact, the new law in 1923 was in part an effort to undercut the power of the Bexar county boss, who had the support of the Negro voters.

Since municipal elections are conducted on a non-partisan basis, they never were subject to the Democratic primary;³ and Negroes have long been of political significance in such elections in Dallas, Fort Worth, San Antonio, Galveston, Port Arthur, and Houston.⁴ Participation in general elections ran rather high. Myrdal estimates that 50,000 Negroes voted in the 1940 presidential election.⁵ In the 1942 Congressional election, a careful estimate of the participation in the counties with the highest Negro population puts the figure around 33,000.⁶ This bothering to vote in the meaningless general election may be explained in part by the legal requirement in effect until very recently that the poll tax must be paid along with the general property tax. The result was that a Negro owning

² *General Laws of the State of Texas Passed at the Regular Session of the Twenty-Eighth Legislature, 1904*, pp. 133-159.

³ An exception here is Houston, which had a white primary before the municipal election.

⁴ Writing in 1932, Paul Lewinson, in his *Race, Class, and Party* (New York, 1932), p. 147, observes that in these cities the campaign for Negro votes in municipal elections was quite open.

⁵ Gunnar Myrdal, *An American Dilemma* (New York, 1944), p. 475.

⁶ William M. Ellison, Jr., *Negro Suffrage in Texas and Its Exercise*, unpublished M. A. thesis, Colorado State College of Education, 1943.

any real property was compelled to qualify himself to vote in the general election. The psychology of "getting one's money's worth" may explain some of this participation in an unimportant election. All the foregoing indicates that the entrance of Negroes into the Texas primaries was not a revolutionary break with the past. The change was to permit participation in the election that counts—to permit Negro players in the major league.

Since *Smith v. Allwright* was decided in April, 1944, three months after the deadline for poll-tax payment and only three months before the July primary, there was no opportunity to get additional Negroes to qualify and not too much time in which to organize those who had qualified. The year 1946 was different. An intelligent estimate is that at least 75,000 Negroes voted in the Democratic primary of that year. It would be unfair not to underscore the term *intelligent estimate*. Texas does not have separate polling places for Negroes. The state has no registration system, and hence no statewide records on voters. Although one designates his race when paying his poll tax, the tax assessors in the 254 counties make no official computation of qualified voters according to race. If they did so, it still would not indicate how many Negroes actually voted. The figure 75,000 is merely the estimate of several well-informed politicians.⁷ But voting in the primary was not the only indications of increased Negro political activity. For the first time, Negro delegates were selected to the county Democratic conventions in Dallas, Travis (Austin), and Harris (Houston) counties. Negro poll tax deputies were appointed by the county tax collector's office in Dallas, Tarrant (Fort Worth), Harris, and Travis counties. Dallas had no fewer than 28 Negroes deputized to collect poll taxes, Houston 18. Finally, some Negro Democratic precinct chairmen turned up in the colored precincts of the big cities—three in Dallas, five in Houston, two in Galveston, and one in Port Arthur.

How has the white population reacted to this situation? One immediately wonders whether new versions of the white primary have been attempted or whether white Texans, having failed in their legal dodges, have resorted to extra-legal procedures. The surprising fact seems to be that there have been no serious, organized efforts to circumvent the Supreme Court; and Negro voting appears to be on its way toward full acceptance.

In the days immediately following the *Allwright* decision, Texas newspapers quoted various politicians as suggesting that Texas abandon the direct primary and revert to the convention system of nomination, which had prevailed prior to 1907. These suggestions apparently did not meet with a favorable reception, for nothing more was ever heard of them. In

⁷ See, for instance, the estimate of then Governor Coke Stevenson in the *San Antonio Express* of July 29, 1946.

the 1945 session of the legislature, a white-primary bill on the South Carolina pattern was introduced in the senate and given a favorable vote in committee; but it never got beyond that stage. Apparently, after the bitter struggle within the party over the 1944 electoral college vote each faction distrusted the other too much to risk removing all legal control over the conduct of primaries and vesting their control solely in the party. In 1947, when another such bill was introduced in the lower house, it was pigeonholed and never acted upon by committee. This inaction may be explained by the fact that a member of the committee to which it was assigned was indebted to Houston Negro support for his election. In short, there has been no determined effort to revive the white primary.

Nor does there seem to have been much extra-legal activity. Since I expected to find resort to extra-legal practices, I questioned all Negro leaders I interviewed very closely on this matter. I asked specifically about beatings, threats, or revivals of Ku Klux Klan activity. My Negro informants were emphatic that there has been none of these cruder forms of violence, and my white informants agreed with them. The few instances of extra-legal restraints I discovered were much closer to the border line of legality. Thus, in the city of Marshall, in East Texas, a unit of the National Guard was somehow called out on election day and guardsmen stationed at each voting booth to exclude Negroes. When Negro leaders began to request the individual guardsmen to sign affidavits and to go through other steps designed to start a legal proceeding, the guardsmen were withdrawn by mid-morning. Apparently this was a bluff based on a hope of Negro ignorance; when Negro leaders manifested familiarity with the law, the bluff was speedily called. Another instance took place in Colorado county, where the voter in the Democratic primary is presented with two ballots, one bearing the names of candidates for state-wide offices and the other of candidates for county-wide offices. White voters receive both ballots, but Negro voters are given the ballot of state-wide candidates only. Apparently the greatest fear is that the Negro may exercise some power within the county. This version of the white primary, sponsored by the county Democratic committee, would be clearly illegal under the Allwright case if it were brought to court. A third incident involved the city of Waxahachie. Here the pay-your-poll-tax campaign carried on by Negroes in nearby Dallas aroused so much response among the local Negroes that more Negroes than whites were qualified to vote in the city election of 1947. White citizens had characteristically refrained from paying their poll taxes on an off-year when only city officials were to be elected. This Negro majority of the electorate took both whites and Negroes by surprise. The result was that city officials simply told the Negroes that they would not be permitted to vote. Since exclusion from a municipal election was unprecedented, the Negroes were caught unpre-

pared with any legal remedy. The significance of these three instances of illegal interference is not that they took place. Rather, the significant fact is that diligent inquiry among well-informed Negroes and whites uncovered only these three cases.

The absence of any overt hindrances to Negro participation does not mean that the Texas public has suddenly been won over to a unanimous approval of Negro participation. A public opinion poll conducted by the Texas Institute of Public Opinion in the spring of 1946 throws some further light on the attitude of whites toward Negro voting. The managers of the poll profess to follow the scientific-sampling methods of Dr. George Gallup, and they have sold enough Texas newspapers on their accuracy to have made their poll a going concern over several years. Their finding was that 44 per cent of all white Texans interviewed believed that "colored people should have the right to vote in the Democratic primary;" 49 per cent thought that they should not. A higher percentage of those tolerant toward Negro voting lived in the western half of the state where there are few Negroes. In the eastern half, where most Negroes live, 55 per cent disapproved of Negro voting and only 38 per cent approved of it.⁸ Despite these attitudes as reported to the pollsters, Texas foes of Negro voting lacked the intensity of feeling, or perhaps the necessary leadership, to find methods to disfranchise the Negro anew by legal or extra-legal means.

This type of public opinion poll fails to measure intensity of opinion. A crude index to such intensity is the reaction of white Texas politicians whom I interviewed to the subject of Negro voting. All were able to discuss Negro enfranchisement without displaying any strong feeling. This is in marked contrast to my interviewing experience in Louisiana, where inquiries about Negro participation sometimes caused an otherwise mild interviewee to cloud up and talk grimly about enfranchisement leading to social equality and miscegenation. I regard the absence of such pre-occupations on the part of Texas politicians as signifying an acceptance of, or a resignation to, Negro participation.

The extent of Negro participation in the 1946 primary does not show a sharp increase over such participation in earlier elections. Nothing occurred to give grounds for the fear that Negroes would be thirsting for the ballot after their long period of disfranchisement and would rush to the polls in a near one-hundred-per-cent turnout. The estimated 75,000 colored voters is about 14 per cent of the potential Negro electorate of 540,000 as given by the 1940 census. If as many as 100,000 Negroes actually voted, it would be only twenty per cent. White participation in Texas hovers around one-third of the potential white electorate. It is not

⁸ *American Statesman* (Austin), June 23, 1946.

a question of Texas Negroes turning out to vote to the last man. Rather, it is a question of their leadership overcoming political indifference and driving home the importance of voting.

Diligent inquiry about the kinds of Negroes who vote brought out only the fact that the urban Negro is the most active politically. Negro leaders did not profess to see more interest in politics among the youth, veterans, males, or any other identifiable group. An exception was the Dallas leader who thought that there might be greater interest among younger persons. However, the greatest amount of Negro voting is found in the larger towns and cities. Colored leaders explain this by the fact that the urban Negro is organized in lodges and fraternal orders, thus making him readily accessible for political purposes. The geographically isolated rural Negro is not so well organized. Another explanation offered by a veteran colored politician is that "the city is the only place where the Negro begins to get any pretense at police protection." This came from the same man who had earlier assured me that there had been practically no extra-legal restraint in the 1946 primary. One might infer that although no actual instances of terrorism took place in connection with the 1946 primary, the rural Negro realizes that there is nothing to prevent such occurrences and hence prudently remains away from the polls. Although no Negro leaders mentioned this, another reason must surely be the city dwellers' experience with voting in the non-partisan municipal elections.⁹

Negro political activity takes place through a variety of organizations. Cities like San Antonio and Houston have political groups that antedate the 1944 decision; and these function solely within the city and have no state-wide ramifications. A newer outfit, the Progressive Voters League, has a state-wide organization and claims to have some forty chapters. Its Dallas chapter is active enough to have a full-time, paid secretary. The Texas Club of Democratic Voters also claims to have chapters in several cities throughout the state.

A uniform activity of all of these groups is encouraging poll-tax payment. Very impressive pay-your-poll-tax campaigns are carried on. Churches are used as a channel to reach the Negro public and to urge the importance of qualifying to vote. Other organizations such as the National Association for the Advancement of Colored People and the schools cooperate in the educational campaign. The appointment of Negro poll-tax deputies helps the process along. In Dallas, such deputies go from door to door to make collections. The high degree of success attending these campaigns is an interesting commentary on the popular justification of the poll tax on the ground that "you got to have the poll tax to keep the

⁹ Lewinson, describing the situation prior to 1932, observed that whatever Negro voting occurred in the South took place in the cities. See *op. cit.*, pp. 132-138.

nigger from voting." The poll tax is in itself no insurmountable barrier to Negro participation in a situation where he has leaders who urge him to pay the tax and when, perhaps, full employment and high wages make the sum of \$1.75 seem trifling.

Endorsement of candidates and an effort at block-voting is another standard practice. Although Negro leaders realize that block-voting has its bad points, they rationalize the practice by saying that unless politicians can be made to feel that there is a solid Negro vote that will reward its friends and punish its enemies, the result of enfranchisement will be simply an increase in the electorate. The Progressive Voters League rationalizes its endorsement by insisting that there is not a separate white man's interest and a conflicting Negro interest. This organization has a liberal or progressive slant to its ideas, and its leaders insist that they endorse candidates who will advance the best interests of the majority of the people, which includes the Negro people.

Although the procedure of endorsement is not uniform, in most instances the outstanding leaders are constituted as a committee to look over the candidates. On a city level, this is done presumably on a basis of elected representatives from each ward. Thus, in Travis county (Austin) it is explained that each ward sends three delegates to a county-wide meeting to discuss candidates. Any delegate may champion any candidate and argue his case. His record is examined and discussed, and the subsequent debate sometimes lasts far into the night. Some candidates have attempted to approach Negro leaders on the basis of what there might be in it for them financially, but they have promptly sensed that these new Negro leaders are playing the game straight. In a form letter dealing with a councilmanic election, the "fact-finding committee" of the Dallas Progressive Voters League advised the membership that it had "interviewed and traced the past records of the entire group of candidates." Delegates from the local chapters of the two state-wide organizations meet and endorse candidates for state-wide offices. The foregoing probably pictures endorsement as a more systematic and popularly-controlled process than it really is in many cases. Certainly in San Antonio, where most Negro voters follow the leadership of Negro boss Valmo Bellinger, the process of selecting a candidate for endorsement is much simplified.

Once a decision for endorsement is made, the word is passed down the line and conveyed at political rallies. Leaders claim that rather strict adherence to the recommended candidates has resulted so far, but there are exceptions. Negroes in Governor Jester's home town of Corsicana felt so much home-town pride in a local boy that many of them voted for him despite the endorsement of his opponent, and the San Antonio unit of one Negro organization was unable to stomach the endorsement of Senator Tom Connally and backed a long-shot candidate instead.

To implement this endorsement of candidates, schools in the marking of ballots are conducted. Marking a Texas ballot is somewhat complicated. You must cross out the names of all but the candidate you prefer, instead of placing a cross before the name of the candidate you favor. Apparently this explicit instruction pays off, because one Negro leader told me with some little pride that there were fewer spoiled ballots in the Negro precinct than in some of the silk-stocking white precincts. In Dallas, where voting machines are used, instruction is given in the use of these devices:

The foregoing may give an impression of a greater degree of solidarity in the Negro community than actually exists. Numerous Negroes with political inclinations aspire to positions of leadership in the Negro community; hence there are numerous *prima donnas* and a degree of factionalism revolves around the personalities of particular leaders. An investigator has to be somewhat wary and careful to uncover all individuals who profess to be the official spokesmen for the Negro community. In a few instances, the rivalry has broken out into the endorsement of opposing candidates. In April, 1947, Maury Maverick's candidacy for mayor of San Antonio was opposed by Negro boss Bellinger, who has always worked with the city machine, whereas the local unit of the Progressive Voters League, speaking for the minority, endorsed Maverick. The Texas Club of Democratic Voters, alone among Negro groups, supported the candidacy of Jester for governor.

In yet another respect it is possible to overstate the importance of block-voting and Negro voting solidarity. The Texas primary ballot lists candidates for some 35 offices ranging from United States senator to precinct committeeman. At the same time, Texas election law forbids a voter to take into the polls with him a marked sample ballot or any other form of memory aid,¹⁰ and this law is enforced. Thus, the number of candidates that can be profitably endorsed is limited by the memory of the average voter. Negro groups do not attempt to endorse more than a half-dozen candidates.

The offices for which endorsement is made give insight into Negro political interest. Candidates for governor and United States senator are endorsed. On the local level, great importance is attached to the offices of sheriff and district attorney. Repeatedly my Negro informants pointed out that a sheriff who felt some obligation to Negro voters would not beat up all Negro suspects just as a matter of routine. The district attorney is important because of what is delicately called "the high homicide rate among Negroes." A district attorney obligated to Negro voters will be less likely to ignore murders in the colored district on the ground that "it's just one less nigger and that's a damn good thing," or to drop prosecution of a Negro suspect because of the pressure of white friends.

¹⁰ *Revised Civil Statutes, 1925*, Art. 3009.

One tactic rarely used to date has been that of Negroes running for public office. In 1944, a Negro was a candidate for the Dallas school board because the Negroes felt that they were being discriminated against in the allocation of educational funds. The school board election occurs in April and usually goes by default with only a handful of participants. The presence of a Negro candidate on the occasion mentioned so aroused the Dallas voters that they poured out to the polls in record-breaking numbers for a spring election and overwhelmed the colored candidate. However, a school board election in San Antonio on April 3, 1948, had a different outcome, actually resulting in the election of a Negro to membership on the San Antonio Union Junior College District board. Although the junior college has both white and Negro branches, it has a single governing board which until now has always had an all-white membership. The successful Negro candidate is G. J. Sutton, a well-educated and intelligent Negro, long a leader in the Progressive Voters League. The circumstances surrounding his election are of some interest. Latin-Americans and Negroes joined hands, each agreeing to support the other's candidate, with the result that each group succeeded in electing a member of a local educational governing board. Gus C. Garcia, a smart young Latin-American lawyer, unified the Latin vote solidly behind him and was elected to the San Antonio Independent School District board of trustees with votes to spare, while at the same time influencing enough of his followers to vote for Sutton to squeeze the Negro into the junior college board by 27 votes.

For whom do Texas Negroes vote? In terms of party, they vote almost solidly Democratic; one has to search long to discover a Republican. Only a few of the older people are still loyal to the Republican party. For their part, the Republicans have made no gesture since 1920 to attract the Negro vote. They have none of the Negro membership on the state central or congressional district committees that one finds in some Southern states, such as Louisiana. In fact, Texas Republicans register some satisfaction with their convention system of nomination, and they were reported in the newspapers as being a little amused when the Supreme Court compelled the Democrats to open their primary to Negroes. One veteran Negro politician informed me that his first form of political activity in the mid-1920's was fighting to emancipate his associates from their Republican "fixation." All Negro leaders take the realistic attitude that there can be no effective participation in Southern politics except through the Democratic party.

Within that party, there was considerable evidence in the 1946 primary of a preference for liberal candidates. This is hardly surprising, since liberalism on economic issues is frequently associated with a tolerant attitude on the racial question. The two liberal candidates who attracted Negro support were gubernatorial candidate Homer P. Rainey and Dis-

strict Judge Sarah Hughes, who ran unsuccessfully for Congress in the fifth district, consisting of Dallas county. Rainey, who ran for governor on a "little New Deal" platform, was universally credited with carrying practically all of the Negro vote, perhaps 85 per cent. Judge Hughes, whose liberal views were highlighted by her successful opponent's description of himself as "the fighting conservative," received her most solid support from the Negro wards. Dallas and Fort Worth Negro groups endorsed the slates of "liberal" candidates for state legislature in their respective counties. Finally, the Progressive Voters League, the state-wide organization that claims to speak for the greatest number of Negroes, is aptly named. It has a progressive, liberal, New Dealish slant.

An important yet illusive question concerns how intelligently Texas Negroes are using the suffrage. For this purpose, we may identify intelligent voting with race-conscious leadership, bent upon securing for the Negro his appropriate share of public expenditures and equal treatment before the law. The opposite extreme of unintelligent voting would be vote-buying and vote-selling by a group ignorant of issues and under the leadership of a Negro concerned with advancing his own fortunes rather than those of his race. A venal Negro vote was characteristic of Dallas municipal politics prior to 1937. Money was distributed strategically throughout the Negro wards prior to election, under the leadership of a Negro bondsman. When a new, race-conscious leadership emerged, Negroes were also approached with money, and had to explain to candidates' representatives that the colored vote was not for sale. When a similar financial approach was attempted in Austin, it too, was rebuffed. Several Negro leaders stressed the point that "we accepted no money from candidates and we spent our own funds to push the candidates we endorsed." Moreover, it is significant that few white observers were inclined to assert that the Negro vote is purchasable. On the contrary, there is considerable evidence of a Negro leadership that seeks its political reward in terms of advancement for the whole colored community. In the 1937 Dallas municipal election, the Negro group occupied a strategic balance-of-power position in relation to the several white factions; and it successfully bargained for and received as its reward improved schools, parks, public housing, and certain types of city employment. Indicative of the level of campaign appeal is some recent campaign literature of the same group which reads: "Negro Dallas needs adequate housing, expanded hospital facilities, added transportation, storm and sanitary sewers, law enforcement, and police protection." The whole procedure associated with the Progressive Voters League of examining a candidate's record suggests a fair degree of political sophistication. Finally, the overwhelming support in 1946 of gubernatorial candidate Rainey, the only candidate in Texas history who ever came out openly for improved Negro education, indicates a high degree of intelligent self-interest.

The chief exception to this type of behavior is Valmo Bellinger, the urbane, educated, astute Negro boss in San Antonio. Since Bellinger is interested in San Antonio's extensive gambling industry, he is active in politics in the first instance to protect his source of income. San Antonio is Texas' most machine-controlled city, but the machine's real strength rests in the Mexican-American population, which outnumbers the Negro population five to one. Bellinger has always worked with the machine. His method is to pay a number of politically active Negroes in each neighborhood to "talk up" the approved candidates during the weeks prior to the election and to get the Negro electorate out to the polls on election day. Debate on the advancement of the Negro race is deemphasized. Although no one argues that Bellinger is in the political game with racial uplift as his prime incentive, this is not to say that the San Antonio colored group has gone unrewarded. The city has given the Negroes an impressive library and auditorium, and the sheriff's office has a reputation for avoiding brutality toward Negro suspects. Moreover, recent events have pushed Bellinger into the position of being a "race man" in spite of himself. The 1946 primary put him in a difficult position. From a gambler's standpoint, an acceptable gubernatorial candidate would be one not disposed to call out the state police to suppress gambling in San Antonio, where the local authorities have generally winked at it. Surely a prominent Baptist layman and former preacher like Dr. Homer Rainey was not the ideal candidate from this standpoint. Yet the mass of Bellinger's followers were disposed toward Rainey, whom the opposition referred to as "old nigger-loving doc." For a long time Bellinger was strangely silent for a man theretofore always voluble about politics. Eventually the point was reached where he had to get out in front and lead his followers where they wanted to be led, or lose his position of leadership in the Negro community. Finally, he pledged his support to Rainey, and, once he had done so, he worked hard and faithfully to bring in the large majority that the colored wards gave his candidate. A less dramatic instance of the same kind occurred in April, 1947, when Bellinger worked with the machine against former Congressman Maury Maverick's candidacy for mayor. In this case, Bellinger found it expedient to publicize widely what he alleged to be Maverick's anti-Negro record.

It might be worth while to compare the degree of Negro political sophistication with that of Texas' other minority, the Mexican-Americans. The majority of this Spanish-speaking group, both in San Antonio and in South Texas, simply do not "get the score" politically; they are herded to the polls and "voted." They have to date developed practically no group-conscious political leadership.¹¹ While the group is entirely capable

¹¹ The election of Gus C. Garcia to the San Antonio school board mentioned above may be the beginning of a new trend.

of producing effective leaders and will surely do so in future years, at present the Negro is much more politically advanced than the Mexican-American.

It may be argued that I am citing only instances where Negroes have displayed intelligent self-interest, and that probably numerous instances of political stupidity, or even venality, have escaped my attention. This type of argument is irrelevant because one cannot demand higher standards of political intelligence from Negroes than from the Texas white electorate. The record shows that prior to Negro enfranchisement the Texas white electorate twice elevated Pappy O'Daniel to the governorship and twice to the United States Senate. So far, no Negro voters have been swayed by the appeal of hillbilly music.

The most fundamental question is whether the Negro vote in Texas is here to stay and to increase. The best test of this is whether practical politicians defer in any way to the Negro and give, or offer to give, any rewards for his support. The test is whether politicians behave toward the Negro in the same way that they behave toward other organized groups of voters. Bits of evidence suggest that many politicians are adjusting their behavior to the new situation. A Negro leader in central Texas comments on his home county: "The attitude of county officials has greatly improved since the Supreme Court decision permitting Negroes to participate in the Democratic primary. They are decidedly more responsive to the wishes of Negro voters. . . . It is my opinion that the appointment of a Negro deputy constable in the county was a gesture to secure the support of Negro voters. We have the promise of the sheriff and county commissioners that a Negro deputy sheriff will be appointed in the near future."

I have earlier indicated several instances where tangible city benefits such as improved school buildings, a library, public housing, parks, and a few city jobs have been the rewards for participation in the larger cities. Improved treatment by law-enforcement officers seems to be associated with Negro voting. Campaigning for the Negro vote, either openly or quietly, is the most obvious proof. Rainey acquired the "nigger-lover" label, yet his successful opponent, Jester, carried political advertising in the Dallas Negro newspaper and distributed large amounts of campaign literature in the Negro district of San Antonio. Candidates for county office in Travis, Galveston, Jefferson, and Lamar counties solicited Negro support in 1946. Both opposing candidates for mayor of Paris made overtures toward the Negro. Other candidates have had their representatives negotiate in private with Negro leaders—in the delicate situation of needing the Negro vote, yet fearful lest the opposition make accusations of being overly friendly to the Negro. Finally, it might be noted that politicians now find time in their crowded schedules to make per-

sonal appearances at Negro gatherings. No less personages than Governor Jester and Congressman Lyndon Johnson have put in appearance at the Red Cross Roll Call and Baptist conventions. A Houston Negro leader asserts that he could phone any member of the city council and invite him to address a Negro group with the certainty of receiving an unhesitating acceptance.

Sometimes more casual comments of politicians reveal a changed attitude. Attorney-General Price Daniel is one of the state's most rapidly advancing politicians, a very likely strong gubernatorial candidate in 1950. His official duties entailed his fighting the effort of Negro Herman Sweatt to enter the University of Texas Law School. Although he had never earlier shown any indications of a particularly favorable disposition toward Negroes, he went out of his way to assure the reporter of a Negro newspaper; "You know, when I first got started on the law school case, I felt that there was no justification for Sweatt's action at all. Now, I have come to change my mind and I feel that the case is considerably more involved and has more angles than I had realized at first." A more direct illustration on the level of county politics involves the elective county tax assessor who was astonished at the number of Negroes who trooped into his office to pay their poll taxes in an off-year. He telephoned a Negro leader with whom he was acquainted and inquired. The reply was that the Negroes were being urged to pay their poll taxes, even in an off-year, in order to establish the habit of qualifying themselves to vote; whereupon the assessor, whom no one had ever accused of being a champion of Negro rights, replied: "Arthur, you tell your people that I'm their friend." A complete reversal of attitude is illustrated by the story concerning veteran Congressman Wright Patman. His immediate reaction to the white primary decision of 1944 was to state that Negroes would vote in his district "over my dead body." Two years later, when encountering appreciable opposition in the primary of 1946, he was to be seen putting in an occasional appearance at Negro fish fries and church picnics.

Negro voting has come to Texas to stay. No vigorous reaction against it has appeared; on the contrary, there is already a high degree of white acceptance. Any Negro leader questioned about the extent of 1946 participation in his town will assure you that whatever the turnout in that year, the participation will be yet greater in 1948 and that the efforts made to insure poll-tax payment will be more vigorous. Nor has the white population produced a great champion of white supremacy—a Texas Bilbo. A Negro leadership calling for continued increase in participation and a white population pretty generally accepting the idea, and certainly not united against it, can lead only to continued and increased Negro participation.

STATE LAW ON THE NOMINATION, ELECTION, AND
INSTRUCTION OF PRESIDENTIAL ELECTORS

RUTH C. SILVA

Wheaton College (Massachusetts)

The Constitution of the United States provides that each state shall appoint, in such manner as its legislature may direct, a number of presidential electors equal to the number of Senators and Representatives to which the state is entitled in the Congress.¹ The Supreme Court has ruled that this clause gives the state legislature exclusive power to decide the manner of choosing electors.² Before 1832, several legislatures themselves selected the members of the state's electoral college, a practice followed by South Carolina until the Civil War. As every student of American government knows, in the period from 1788 to 1832, the popular selection of electors was established and real discretion on the part of electors in choosing a President and Vice President became a legal fiction. For a century, the practice has been for the electorate to choose a set of electors, who, it is understood, will legally confirm the decision already made at the polls.

The automatic operation of the electoral college as a device for translating popular votes into electoral votes is now challenged, however, with the projection of the possibility of eighty "unpledged electors." The governors of seven Southern states recently agreed that if the Democratic national convention nominates a presidential candidate advocating anti-segregation, anti-lynching, anti-poll tax, and fair employment practices legislation, they will attempt to keep the Democratic electoral votes of their states from being cast for such nominee.³ This possibility makes state laws regulating the nomination, election, and instruction of presidential electors of utmost interest and importance.⁴

There is considerable variation among the states in methods now used to nominate candidates for the office of presidential elector. In twenty-seven states, electors are nominated by the state conventions of the respec-

¹ Art. II, Sec. 1.

² *McPherson v. Blacker*, 146 U. S. 1 (1892). See pp. 29-36 for a history of the different methods used for appointing electors from 1788 to 1892.

³ *New York Times*, Mar. 14, 1948. The seven states and their electoral votes are as follows: Alabama, 11; Arkansas, 9; Georgia, 12; Maryland, 8; Mississippi, 9; South Carolina, 8; Texas, 23. The same possibility has been discussed in five other states, with fifty-five more electoral votes: Florida, 8; Louisiana, 10; North Carolina, 14; Tennessee, 12; Virginia, 11.

⁴ The author wishes to express appreciation to Samuel H. Still and W. Brooke Graves, of the Library of Congress, for checking the information in this article against the records of the State Law Division of the Library of Congress.

tive parties;⁵ the law in ten states gives this power to the various party organizations;⁶ and in seven states electors must be nominated in primaries.⁷ In Arkansas, Maryland, and North Carolina, they may be nominated by either the primary or the convention method;⁸ and in Pennsylvania the law provides that the presidential nominee of each political party shall nominate as many persons to be the candidates of his party for presidential electors as the total number of electors to which the state is entitled.⁹ In November, 1944, the Mississippi legislature nominated a slate of electors whose names were printed on a supplemental ballot, and the voter had his choice between the electors nominated by the parties and those nominated by the legislature.¹⁰

There is always the possibility that these nominating procedures will not operate without contest; such was the case in Texas in 1944, when the Democratic party of that state split into two factions, each of which nominated a slate of electors, one being "pledged" to Roosevelt and

⁵ California, Colorado, Illinois, Indiana, Iowa, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, North Dakota, Ohio, Rhode Island, South Dakota, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. The Nebraska law requires this to be done at a post-primary convention [*Laws* (1943), c. 77, § 4]. The attorney-general of Wisconsin has ruled that such electoral candidates may also be nominated by petition [25 O.A.G. 610].

⁶ Alabama, Connecticut, Delaware, Georgia, Idaho, Kentucky, New York, South Carolina, Tennessee, and Virginia. In Alabama, the party may nominate electors through the primary, but there is no statutory provision for the primary [*Code* (1940), Title 17 §§ 65-66, 145]. In Idaho, the county and state central committees of the various parties are charged with the duty of providing for the nomination of presidential electors. Although the United States Supreme Court has ruled that electors are "state officers" [*Fitzgerald v. Green*, 134 U. S. 377, 379-380 (1890)], the supreme court of Idaho ruled that when the legislature provided for the nomination of state officers in the primaries, presidential electors were not included [*State v. Gifford*, 22 Idaho 613 (1912)]. Thus electors continue to be nominated by the party organizations. In New York, this task is performed by the state central committee of each party [*Election Laws* (McKinney, 1943), § 131]. South Carolina vests this power in each party, and it is for the party to decide whether it will be done in the primary or otherwise [*Code* (1942), § 2304].

⁷ Arizona, Florida, Kansas, Nevada, New Mexico, Oklahoma, and Oregon. In some states where this duty is imposed upon the party, the nominations may actually be made in the primary. See note 5 *supra*.

⁸ In Arkansas and North Carolina, there is no specific provision for the nomination of electors, but candidates for state offices are nominated by the state convention or primary of the respective political parties. In North Carolina, however, the supreme court has ruled that the primary provides the only method of nomination, and one who is not so nominated is not the nominee of any political party. *McLean v. Durham County Board*, 222 N. C. 6 (1942).

⁹ *Stats.* (Purdon, 1936), Title 25, § 1221.

¹⁰ *Laws* (1944), Ex. c. 2.

Truman and the other being "unpledged." Before the popular election, the state courts decided that the pledged nominees were the official nominees of the Democratic party; but both slates of electoral candidates appeared on the ballot in the November election, the unpledged electors running under the banner of "Texas Regulars Party."¹¹ Texas, like forty-five other states, had no special statutory provisions for settling contested nominations for the office of presidential elector, and the contest was decided under the general laws governing contested nominations. Only Illinois and Louisiana provide a special tribunal for this purpose. In Illinois, the governor, the secretary of state, the auditor, the state treasurer, and the attorney-general meet to decide which set of nominees to accept in case more than one certificate of nomination for electors of the same political party is filed with the secretary of state by contesting conventions.¹² In Louisiana, objections arising to nominations of electors are considered by a board consisting of the secretary of state, the auditor, and two voters appointed by the governor.¹³

In recent years, twenty-one states, by adopting the so-called "presidential short ballot," have recognized the obligation of the electors to vote in the electoral college for the presidential nominee of their party.¹⁴ These states do not print the names of the candidates for elector on the general election ballot, but instead place the name of the party's nominee for President and for Vice President under the party appellation. A vote for the presidential candidate is considered a vote for the entire list of electors nominated by that party.¹⁵ In twelve other states, the name of the presidential candidate appears on the ballot along with the names of his party's nominees for the electoral college. New York actually is the thirteenth state in this list, but the presidential short ballot is used where vot-

¹¹ *New York Times*, May 7, 17, 24, 25, 28, June 5, 8, 11, 13, 15, 22, 23, 24, July 16, Sept. 24, 26, and Nov. 7, 1944.

¹² *Rev. Stat.* (1943), c. 46, §21-1(d).

¹³ *Laws* (1942), nos. 137, 138, § 26.

¹⁴ See Spencer D. Albright, "The Presidential Short Ballot," in this *REVIEW*, Vol. 34, p. 955 (Oct., 1940). New Jersey has adopted the so-called short ballot since Albright's study was published. *Laws* (1944), c. 16.

¹⁵ California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, Washington, and Wisconsin. In Connecticut, the "short ballot" is permissive [*Gen. Stat.* (Supp., 1935), §165c]. The supreme court of Ohio upheld the presidential short ballot law of that state, saying that, since the United States Constitution vests the state legislature with authority to direct the manner in which presidential electors shall be appointed, and since the state constitution contains no limitation on the exercise of this power, the law providing for placing the names of the presidential and vice-presidential candidates on the ballot in lieu of the names of the electors is constitutional [*State ex. rel. Hawke v. Myers*, 4 N. E. 2d. 397 (1936)].

ing machines are authorized.¹⁶ The laws of eight states require the names of the electors to be placed on the ballot and either say nothing about the name of the presidential nominee or allow his name to be added to those of the electors.¹⁷ Only five states, by listing the nominees for electors while omitting the names of candidates for President and Vice President, adhere to the fiction of the people's choosing electors, who in turn freely elect the President and Vice President.¹⁸ Contrary to newspaper reports, Virginia is not one of these states. The names of the presidential and vice-presidential candidates will appear on the general election ballot next November.¹⁹ Finally, in South Carolina, where the Australian ballot is not in use, each party provides its own general ticket ballot for presidential electors. The name of the candidate and the office he seeks must be printed on the ballot, and it is left to the party to decide whether or not to put the names of the presidential and vice-presidential candidates on the ballot.²⁰

All of the states employ the general ticket system, under which the electors are elected in the state at large.²¹ The general ticket system and the practice of voting for the electoral candidates of one party as a group

¹⁶ Kansas, Minnesota, Montana, Nevada, New York, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Virginia, West Virginia, and Wyoming. New York's right to omit the names of the electors on voting machines was upheld in *Thomas v. Cohen*, 262 N. Y., Supp. 320 (1933).

¹⁷ Arkansas, Florida, Georgia, Idaho, Maine, Texas, Utah, and Vermont. In 1931, the legislature of Texas provided for the presidential short ballot [*Laws* (1931), c. 186], but the attorney-general, James V. Allred, ruled that "... this act [Chap. 186] is so vague, indefinite, and uncertain, that in our opinion it is incapable of either intelligent construction or application." See Albright, *op. cit.*, 957. In 1944, the Texas ballot listed the names of the electoral nominees without the names of the presidential and vice-presidential candidates; but this was not confusing to the voter since the "unpledged" Democratic electoral candidates ran under the appellation of "Texas Regulars party."

¹⁸ Alabama, Arizona, Louisiana, Mississippi, and New Mexico.

¹⁹ *Code Ann.* (Michie, 1942) §155, as amended by law which becomes effective June 29, 1948.

²⁰ Public officials conduct the election, but the parties prepare their own ballots. No legal action can be taken to compel a party organization to prepare ballots; and, in practice the Democratic party is usually the only one to print any ballots. See *Gardner v. Blackwell*, 167 S. C. 313 (1932).

²¹ Before 1832, electors were often chosen under the district system by which one elector was chosen by the voters in each Congressional district and two by the voters in the state at large. This, of course, allowed representation in the electoral college for minority parties with strength localized in some districts. In 1891, the Democratic legislature of Michigan, which usually is Republican, adopted the district system to secure a part of the electoral votes; and in the election of 1892, the Democrats captured five of the fourteen electoral votes. The law was upheld in *McPherson v. Blacker*, *op. cit.*, but subsequently was repealed by a Republican legislature.

mean that a popular plurality in the state gives all of the electoral votes of the state to a single presidential candidate and his running-mate. The law of at least ten states makes it possible, however, for the electoral vote of the state to be divided between several presidential candidates, because these states allow the voter to split the ticket in selecting electors.²² Obviously, such provisions are based on the fiction that the electoral college is governed by Burke's theory of representation instead of by the mandate theory. Voting for some electoral candidates of one party and some of another only serves to cancel any effective choice for President, since the voter is really casting his ballot for a presidential candidate and the mandate theory governs balloting in the electoral college. The split-ticket provision does nothing to correct the anomalies of the general-ticket system. A more significant provision in the state law would be a list system of proportional representation, by which the seats in the state's electoral college would be apportioned among the various parties in relation to their popular support at the polls.²³

A great part of state law regulating the election of presidential electors is based on the assumption that they will cast their votes in the electoral college as "instructed";²⁴ but only two states make any attempt to pledge

²² Kansas, Louisiana, Maine, Nevada, New York, Pennsylvania, Rhode Island, South Dakota, West Virginia, and Wisconsin. Presumably this could be done in some of the other thirty-eight states under the general "write-in" provisions.

²³ For example, under this system, in 1944 Dewey would have captured 226 electoral votes instead of 99 and Roosevelt would have won only 305 instead of 432. The several state legislatures would doubtless have power to enact such a plan under the ruling in *McPherson v. Blacker, op. cit.*, but such a reform on a national scale could be brought about only by a constitutional amendment. From time to time, a joint resolution seeking to accomplish this by constitutional amendment has been introduced in Congress, but never has attracted significant support. Such state laws would do nothing, of course, to correct the anomalies inherent in the electoral college system itself, since each state is entitled to as many electoral votes as it has senators and representatives in Congress. New York, with its 14 million population and 47 electoral votes, has 127 times the population of Nevada, but only 16 times the number of electoral votes.

²⁴ The last time an elector failed to follow his "instructions" was in 1820, when William Plumer of New Hampshire cast his electoral ballot for Adams and Rush instead of voting for Monroe and Tompkins. Plumer did this because he wished to groom Adams for the presidential race in 1824, and he thought Monroe lacked economy and foresight and Tompkins neglected his duties. Everett S. Brown, *The Missouri Compromise and Presidential Politics, 1820-1825* (St. Louis, 1926), 53, 60-62; C. O. Paullin, "The Electoral Vote for John Quincy Adams in 1820," *Amer. Hist. Rev.* Vol. 21, p. 318 (Jan., 1916).

In 1876, James Russell Lowell was urged to spare the country the Hayes-Tilden dispute by casting his electoral vote for Tilden; but he declined. On this subject, Lowell wrote to Leslie Stephen as follows: "In my own judgment I have no choice, and am bound in honor to vote for Hayes, as the people who chose me expected me to do. They did not choose me because they had confidence in my judgment, but

or instruct the electoral candidates to comply with the usage. California law directs the electors, when assembled, if both of the candidates are alive, to vote for the presidential and vice-presidential candidates of the political party which the electors represent.²⁵ Oregon law requires each candidate for presidential elector to file with the secretary of state a pledge that, if elected, he will vote for his party's nominees for President and Vice President in the electoral college.²⁶ Actually, the obligation of the elector to vote for the presidential candidate of his party is recognized incidentally in the laws of Massachusetts,²⁷ New Jersey,²⁸ and New York.²⁹ Virginia law also recognizes this obligation, although the statute has recently been amended to permit a bolt from the Democratic party. The amendment provides that the electors shall vote for the nominees of the national convention unless the candidates for electors shall be instructed by the state convention at least sixty days before the general election in November that they are expected to vote for other persons.³⁰ If the Democratic party in Virginia is not satisfied with the nominees and platform of the Philadelphia convention, a state convention is to be called later in the summer for the purpose of instructing the candidates for the office of elector. No state has a law instructing the electors as to what course to

because they thought they knew what that judgment would be. If I had told them that I should vote for Tilden, they would never have nominated me. It is a plain question of trust." Horace Elisha Scudder, *James Russell Lowell* (Boston, 1901), II, 216-217.

²⁵ *Codes of Cal.* (Deering, 1939), Election Code, §10555.

²⁶ *Comp. Laws Ann.* (1940), §81-503a. In 1939, the legislature repealed this provision; but the repeal law was rejected by referendum at the general election held Nov. 5, 1940.

²⁷ Massachusetts law provides: "In order to vote for presidential electors, the voter shall make a cross (X) in the square at the right of the party or political designation appearing on the ballot at the right of the surnames of the candidates for president and vice-president, to vote for whom such candidates for electors are nominated . . ." *Laws* (1932), c. 135, §2.

²⁸ The New Jersey law provides that the names of the candidates for President and Vice President "for whom such electors are to vote" may be included in the certificate of nomination of electors to be filed with the secretary of state by each party. *Rev. Stat.* (1937), §19: 13-15.

²⁹ A party's candidates for presidential elector are described in New York law as a specified number of candidates "nominated to support the party candidates, naming them, for the office of President and Vice President." [McKinney, *op. cit.*, §§83 (1), 84]. In 1932, however, an attorney-general's opinion stated that there is no provision requiring the presidential elector to vote for a particular candidate for President. [45 St. Dept. 144].

³⁰ Virginia law provides that each party shall file with the secretary of the commonwealth the names of its candidates for the office of elector and the names of the candidates "for whom they are expected to vote in the electoral college." Michie, *op. cit.*, §155, amended by §157(a) effective June 1, 1948.

follow if the presidential candidate whom they support dies between the time of the popular election and the meeting of the electoral colleges;³¹ but there are state laws providing that the party organization file the name of the substitute presidential candidate with the Secretary of State. The assumption is, of course, that the electors will vote for the substitute candidate in the college; but there are no state laws instructing the electors to do so.

Study of state laws regulating the appointment of presidential electors reveals that certain reforms could be made by the states acting individually, and could be made within the framework of the existing electoral college system. The first is the adoption of a list system of proportional representation, making the electoral colleges a more nearly accurate reflection of the popular vote. The list system would also eliminate the possibility of the voter's rendering his ballot ineffective by voting a split ticket in selecting electors. The second is adoption of laws requiring the pledging of electors. Under the broad ruling of *McPherson v. Blacker*, it seems that the state law could make such a pledge one of the qualifications for becoming a candidate for the office of presidential elector.³² No action, however, could probably be taken to compel the elector to abide by his pledge. The third is enactment of statutory provisions covering cases in which the presidential or vice-presidential candidate dies before the meeting of the electoral colleges. This legislation, at the state level, would supplement federal law providing for the presidential succession.³³

THE TENURE OF CABINET OFFICERS

EVERETT S. BROWN

University of Michigan

Section 202(a) of Public Law 253 of the 80th Congress, 1st Session, approved July 26, 1947, provides that "there shall be a Secretary of Defense, who shall be appointed from civilian life by the President, by and

³¹ In the popular election of 1872, 286 Grant electors and 65 Greeley electors were appointed. When the electoral colleges convened, Greeley was dead; but three electors actually voted for him. The other 62 Democratic electors cast their ballots as follows: B. Gratz Brown, 18; Thomas Hendricks, 42; Charles Jenkins, 2. Congress decided not to count the three votes for Greeley since he was dead when the electoral votes were cast. *Cong. Globe*, 42nd Cong., 3rd sess., 1296-1298, 1305.

³² *Op. cit.*, 25-26, 35. The effect of such law would be to rule unpledged electors off the general election ballot.

³³ It is doubtful whether Congress has power to provide for cases in which a presidential candidate dies before the meeting of the electoral colleges. The Twentieth Amendment empowers Congress to provide for succession in cases involving the death of the President-elect or the Vice President-elect, but no candidate is the President-elect or Vice President-elect until after the meeting of the colleges.

with the advice and consent of the Senate." Section 311 of the same act amends the Presidential Succession Act, approved July 18,¹ by striking out "Secretary of War" and inserting in lieu thereof "Secretary of Defense," and striking out "Secretary of the Navy."

The effect of these changes is to elevate the Secretary of Defense to a position in the President's cabinet and to provide for his possible succession to the presidency. The law gives authority for his appointment, but says nothing about his term of office. This raises a question concerning which there is considerable confusion and lack of information. Specifically, what is the term of office of heads of the executive departments, i.e., those who compose the President's cabinet?

If one turns to the more recently established executive departments—those of Commerce² and Labor³—he reads that in each case the Secretary's "term and tenure of office shall be like that of the heads of the other executive departments." Further research discloses the interesting fact that only one of the other executive heads has a legal term. This is the Postmaster General. In his case, the law provides that "the term of the Postmaster General shall be for and during the term of the President by whom he is appointed, and for one month thereafter, unless sooner removed."⁴

The statement that there is no legal limit to the terms of other members of the cabinet is supported by an opinion from the Attorney General. On April 18, 1929, in reply to a letter sent at the request of President Hoover, Attorney General William D. Mitchell answered in detail two questions which had been submitted to him: (1) whether the head of any department of the government might legally hold office as such after the expiration of the term of the President by whom he was appointed, and (2) whether, in view of the provisions of the laws of the United States, Andrew W. Mellon might legally hold the office of Secretary of the Treasury.

Assuming that the words "the head of any department of the government" were intended to refer to the heads of the executive departments, which together were commonly called the cabinet, Mr. Mitchell asserted that he had "no doubt whatever that the head of each of these departments, with the exception of the Postmaster General, whose case is governed by a special statute, may continue to hold the office to which he has been appointed after the expiration of the term of the President by whom he was appointed and as long as the incumbent of the office of President wishes him to serve."

¹ *Public Law 199*—89th Cong., 1st Sess.

² 32 *Stat. at Large* 825; *U.S.C.* 5: 591.

³ 37 *Stat. at Large* 736; *U.S.C.* 5: 611.

⁴ 17 *Stat. at Large* 284; *U.S.C.* 5: 361.

The Attorney General added that while the President might, at pleasure, remove any executive officer, and while Congress might limit the term for which any executive officer might be appointed, there was no provision in the Constitution which limited the term to which the head of a department might be appointed, nor, except in the case of the Postmaster General, was there at the time of the Attorney General's opinion, any statute which fixed a limit.

Tracing the subject historically, Mr. Mitchell declared that the practical construction given to the commissions issued to heads of executive departments appeared to have been uniform since 1789, to the effect that a commission did not expire on the death of a President nor at the end of a President's term of office. It followed that no reappointment or new commission was necessary in the case of such officers as the new President wished to retain, except in the case of the Postmaster General. Secretary Mellon's commission, issued under a previous President, authorized him to hold office "during the pleasure of the President of the United States for the time being." Citing a number of previous instances where executive officers had been carried over under succeeding Presidents, the Attorney General concluded that, "with the exception of the Postmaster General, all heads of departments continue to hold office from the time they are commissioned until death, resignation, or removal ends their tenure."⁵

The question may well be asked why Congress, in establishing the departments of Commerce and Labor, stipulated that the tenure of the Secretary of Commerce and the Secretary of Labor "shall be like that of the heads of the other executive departments." One can only conclude that this was the result of carelessness on the part of those responsible for drafting the bills and failure on their part to note that the act of March 2, 1867, regulating the tenure of certain civil offices, and providing a term for the Secretaries of State, of the Treasury, of War, of the Navy, of the Interior, the Postmaster General, and the Attorney General, similar to that quoted above for the Attorney General,⁶ had been repealed.⁷ This carelessness in the wording of the statutes, combined with the general practice of heads of executive departments of submitting their resignations at the end of each presidential term, undoubtedly has done much to create and perpetuate the incorrect popular impression that the terms of the executive officers coincide legally with that of the President by whom they are appointed.

⁵ *Opinions of Attorney General*, Vol. 38 (1929-1932), pp. 12-16. The remainder of the opinion relates to phases of Mr. Mellon's eligibility not pertinent to the question here discussed. See also *Cong. Record*, Vol. 71, pt. 1, pp. 9-14.

⁶ 14 *Stat. at Large* 430.

⁷ See *Index to Federal Statutes, 1874-1931*, p. 1221, Table of Repeals and Amendments.

The fact that all cabinet officers except the Postmaster General have no fixed legal terms takes on added significance with respect to succession to the presidency. Continuation in office of department heads for indefinite periods would care for a number of contingencies caused by failure to elect a President and a Vice President, or by failure of both elected President and Vice President to qualify.⁸ In such cases, the Presidential Succession Act would apply, and unless the members of the cabinet had resigned or been removed, there would be no lack of persons available to fill the vacancy.

⁸ For a more detailed treatment of this phase of the subject, see Joseph E. Kal-lenbach, "The New Presidential Succession Act," in this *Review*, Vol. 41 (Oct., 1947), pp. 931-941.

INTERNATIONAL AFFAIRS

THE POSTWAR WORLD MAP: NEW STATES AND BOUNDARY CHANGES

RUSSELL H. FIFIELD

University of Michigan

I

A comparison of the postwar worlds of 1919 and 1948 indicates that the process of nation-building has moved from Europe to Asia. In the peace settlement after the First World War, the new states of the world appeared for the most part in Europe, but in the aftermath of the Second World War the new members of the family of nations come almost entirely from Asia.

In Europe, three of the states that emerged from the First World War—Estonia, Latvia, and Lithuania—have lost their national existence and are now numbered among the sixteen republics of the Soviet Union. The only new state from a practical viewpoint to appear in the European firmament is Iceland, which dissolved the personal union of a common king with Denmark dating from November 30, 1918, and became a sovereign republic on June 17, 1944. An even exchange may be noted in the incorporation by Poland of the Free City of Danzig, once under the protection of the League of Nations, and in the creation of the Free Territory of Trieste under the protection of the Security Council of the United Nations.

Although classification is difficult, the new states or near states of Asia fall roughly into a fourfold pattern: independence with partition, independence without partition, *de facto* or promised independence, and emergence from isolation into the family of nations.

In the category of independence with partition, two outstanding examples may be cited—India and Palestine. On August 15, 1947, Great Britain relinquished her Empire of India and the new dominions of Pakistan and India or Hindustan came into being.¹ All of the native Indian states were urged to adhere to either one of the dominions, and almost all of the princes had taken this step by the end of 1947 with the notable exception of Hyderabad. Both dominions will decide in 1948 whether to remain within the British Commonwealth of Nations like Canada or to secede like Burma.

In Palestine, the General Assembly of the United Nations followed the policy of independence with partition. On November 29, 1947, the General Assembly voted to divide the Holy Land into a Jewish state, an Arab

¹ Text, "Indian Independence Act, 1947," *Law Times Reports*, 177 (Aug. 23 and 30, 1947), pp. 52-59.

state, and the "corpus separatum" of Jerusalem under the Trusteeship Council of the United Nations.² The decision was applauded by the Zionists and condemned by the Arabs in Palestine, who were supported by the Arab League. In early 1948, the Jews took steps to create their state; but the Arabs refused to have anything to do with partition.

The withdrawal of British rule in India and Palestine has encouraged the process of "Balkanization" in Asia. Pakistan is divided into two sections in the subcontinent of India by Hindustan. Already the two dominions, rent by religious strife between Hindus and Moslems, are almost on the verge of open war over the status of Kashmir. In Palestine, the Jewish and Arab states under the present partition plan will each be divided into three segments just barely meeting. Fighting between the Arabs and Jews is making a mockery of the land sacred to Christian, Jew, and Moslem.

Under the impetus of the recent war, or as a consequence of it, seven new Asiatic states appeared on the map by the end of January, 1948. In June, 1941, Free French and British forces occupied Syria and Lebanon, and on the day of the beginning of the occupation, June 8, General Catroux proclaimed the independence of both countries.³ The republics of Syria and Lebanon became charter members of the United Nations in 1945, and British and French troops left the countries the next year.

Three states in widely scattered parts of Asia entered the family of nations in 1946. On January 5, China recognized the independence of the Mongol People's Republic, which had voted for independence on October 20, 1945, by the extraordinary margin of 483,290 to 0. However, the influence of the Soviet Union is paramount in the republic.⁴ On May 25, 1946, the Kingdom of Transjordan was proclaimed, although British influence in the new state is important.⁵ In the western Pacific, the Republic of the Philippines came into being on July 4, 1946, but American influence in the new republic is far from negligible.⁶

In October, 1947, Ceylon reached the threshold of dominionhood in the

² The essence of the decision is found in the *United Nations Weekly Bulletin*, III (Dec. 9, 1947), pp. 760-761, and a map of the "Plan of Partition" on p. 776. Other significant material is located in the *United Nations Weekly Bulletin*, III (Dec. 2, 1947), pp. 741-754. The *Resolutions of the General Assembly of the United Nations*, Second Series, 1947, A/519, are in press (Feb., 1948).

³ *Documents on American Foreign Relations* (Boston, World Peace Foundation, 1941), pp. 336-337.

⁴ See especially "The Constitution of the Mongol People's Republic," *Soviet Press Translations*, Far Eastern Institute, University of Washington, III (Jan. 1, 1948), pp. 3-14.

⁵ Text of Alliance with Great Britain, dated Mar. 22, 1946, *Treaty Series* No. 32 (1946), Cmd. 6916.

⁶ Text of Proclamation of the President on the Independence of the Philippines, *Department of State Bulletin*, XV (July 14, 1946), p. 66.

British Commonwealth of Nations when a new constitution came into effect.⁷ Northeast of Ceylon, the Republic of the Union of Burma was proclaimed on January 4, 1948, the first British colony to break formal ties with the British Empire since the secession of the thirteen American colonies in 1776. However, Burma's relations with Britain outside the Commonwealth are likely to be more intimate than Eire's relations with Britain inside the Commonwealth.⁸

Approaching independence through force, promise, or both, are Korea, Viet Nam, and Indonesia. After the collapse of Japan in the summer of 1945, Korea was split as a "military expedient" by the thirty-eighth parallel into Russian and American zones of occupation. As the Americans and Russians could not agree on a Korean government for all of the peninsula, the United Nations on November 5, 1947, approved an American resolution to send a commission to Korea to hold elections leading to the formation of a national Korean government.⁹ The Russians boycotted the commission.

In French Indo-China, a civil war is in progress between the Annamese of Viet Nam and the French. In an agreement on March 6, 1946, the French promised the Viet Nam Republic freedom within an Indo-Chinese federation and the French Union.¹⁰ However, fighting broke out over the interpretation of the terms of the agreement. A similar situation has prevailed in Indonesia, where the republicans located on Sumatra, Java, and Madura have been fighting the Dutch over the interpretation of the Cheribon agreement of November 15, 1946, providing for a republic of Indonesia inside a United States of Indonesia holding partnership with the Netherlands under a common Dutch ruler.¹¹ In January, 1948, representatives of the United Nations effected a truce between the Dutch and the Indonesians.

Finally in Asia, two old countries are emerging from isolation—Yemen and Nepal. Yemen, in southwest Arabia, joined the Arab League in 1945 and the United Nations in 1947. An American mission was sent to the capital city of San'a in April-May, 1946, and an agreement of friendship and commerce providing for diplomatic and consular relations was signed on May 4.¹² Nepal, which is located north of India and south of Tibet,

⁷ Text, *Ceylon Government Gazette*, May 17, 1946; main features given in *Parliamentary Debates, Commons*, 1945-1946, 422 (April 30-May 17), pp. 282-283.

⁸ See "Treaty with Annex and Exchange of Notes," dated Oct. 17, 1947, Cmd. 7240. This treaty was later ratified.

⁹ Text, *United Nations Weekly Bulletin*, III (Nov. 11, 1947), p. 636. The *Resolutions of the General Assembly of the United Nations*, Second Series, 1947, A/519, are in press (Feb., 1948).

¹⁰ *New York Times*, Mar. 8, 1946, p. 11.

¹¹ *New York Times*, Nov. 16, 1946, p. 8.

¹² Text, *Department of State Bulletin*, XV (July 21, 1946), pp. 94-95.

has shown greater interest in the outside world since the decision of the British to withdraw from India. The United States sent a mission to the capital of the country at Kathmandu in April, 1947, and an agreement of friendship and commerce providing for diplomatic and consular relations was signed on April 25.¹³

II

Although the number of independent states in Asia has risen, the boundary changes in Europe among old states have run true to type—extensive in scope and bitterly contested. The greatest boundary changes are in the shatter belt of peoples extending from Finland south to Greece. Here the Soviet Union has made the most extensive gains, while Germany has been pushed west of the Oder-Neisse line. In the transition zone of western Europe, running from the Lowlands to the Riviera on the Mediterranean, the changes have not been so extensive. The Franco-Italian frontier has been slightly altered in favor of France; the Saar has been economically integrated into France; and the small territorial claims of Luxembourg, Belgium, and the Netherlands have not yet been settled.

The new map of Europe indicates how uneasy must be the neighbor that borders the Soviet Union. None of Russia's European neighbors came through the recent war without either losing their national existence or some of their territory to the Kremlin.¹⁴ All in all, the territorial gains of the Soviet Union in Europe amount to 178,100 square miles.

Finland, in her peace treaty with Russia on February 10, 1947, confirmed the loss of the Petsamo area with the warm-water seaport of Petsamo and the near-by nickel mines surrendered in the Russian-Finnish Armistice Agreement of September 19, 1944; the loss of the Salla sector, midway along the border between the Baltic and Arctic Seas, and the province of Karelia on the Gulf of Finland in the Treaty of Moscow on March 12, 1940; and the exchange in 1944 of the lease on Hanko for a fifty-year lease on the Porkkala-Udd area, controlling the approaches to Leningrad and the Gulf of Finland.¹⁵

The incorporation of the Baltic states in the Soviet Union on June 15-17, 1940, has never been recognized by the United States, but the republics are actually an integral part of the Soviet Union and the seaport

¹³ Text, *Department of State Bulletin*, XVI (May 11, 1947), pp. 949-950. Also see Samuel H. Day, "Emergent Nepal—Its Economic Development and Trade Outlook," *Foreign Commerce Weekly*, Vol. 28 (July 26, 1947), pp. 3-5, 33-34. Mr. Day was a member of the American mission to Nepal.

¹⁴ See *Trends in Russian Foreign Policy Since World War I*, Legislative Reference Service [printed for the use of the Committee on Foreign Relations of the United States Senate] (Washington, Government Printing Office, 1947), 68 pp.

¹⁵ *Treaties of Peace with Italy, Bulgaria, Hungary, Roumania, and Finland*, Department of State Publication 2743, European Series 21, 1947, *Finland*, pp. 2-3.

of Riga in Latvia is now at the disposal of the Red fleet.¹⁶ Through the Potsdam Agreement of August 2, 1945, the Soviet Union has actually, though not formally, acquired the northern part of East Prussia, including the important naval base of Königsberg, renamed Kaliningrad, while Poland has received the southern part.¹⁷ Pre-war Poland east of the Curzon line is now incorporated in the Soviet Union as regularized by the Soviet-Polish Treaty of August 16, 1945, but Poland has been compensated on a de facto basis by the pre-war German territory east of the Oder-Neisse line, including the valuable German industrial area of Upper Silesia but excluding the Soviet share of East Prussia.¹⁸ Czechoslovakia has relinquished territory to the Kremlin in the loss of Ruthenia, or the Carpathian-Ukraine, in the Soviet-Czechoslovak Treaty of June 29, 1945. Roumania ceded Northern Bucovina and Bessarabia to Russia on June 28, 1940; the cession was confirmed in the Roumanian Armistice of September 12, 1944, and the Peace Treaty of February 10, 1947.¹⁹

Germany west of the Oder-Neisse line may be presumed to be the future territorial base of the Reich, despite the current dispute over the permanence of the Oder-Neisse line. The territorial claims of Czechoslovakia, the Netherlands, Belgium, and Luxembourg are not excessive, and the French economic integration of the Saar removes valuable coal deposits, but does not sever a large area from the Reich. Neither the Rhineland nor the Ruhr is likely to lose German sovereignty in the final peace settlement. The territorial losses of the Reich are largely in the east.

The area of twentieth-century Germany has decreased with each great military defeat. The Germany of the occupation zones of the "Big Four" is 142,000 square miles in area, in contrast to the 181,000 square miles of the Weimar Republic and the 212,000 square miles of the Reich of Kaiser William II. At the same time, the German population was about 65 millions in 1910, 1930, and 1945.

Italy was reduced in area through the Peace Treaty of February 10, 1947, from a metropolitan territory of 119,764 square miles to some 116,000 square miles.²⁰ Italy yielded to Yugoslavia about 3,000 square miles of Venezia Giulia, including the cities of Pola, Fiume, Rovigno, and Parenzo. Yugoslavia also gained the enclave of Zara, the Lagosta Islands

¹⁶ See the *Diplomatic List*, Department of State, Jan., 1948, for a list of Baltic diplomats still accredited to the United States.

¹⁷ Text of Potsdam Agreement, *Department of State Bulletin*, XIII (Aug. 5, 1945), pp. 153-160.

¹⁸ *Ibid.*

¹⁹ *Treaties of Peace with Italy, Bulgaria, Hungary, Roumania, and Finland: Roumania*, p. 2.

²⁰ *Treaties of Peace with Italy, Bulgaria, Hungary, Roumania, and Finland: Italy*, pp. 2-17.

near the central Adriatic coast of Yugoslavia, and the islands of Cherso and Lussino in the northern Adriatic. In the same treaty, Italy yielded an area of 300 square miles to the Free Territory of Trieste, which begins an uncertain existence under the Security Council of the United Nations. Albania's sole territorial gain amounted to the former Italian island of Saseno, which guards the entrance to the harbor of Valona across the Strait of Otranto. Along the Franco-Italian frontier, France acquired Briga-Tenda, Little St. Bernard Pass, Mont Cenis, and Mont Thabor-Chaberton (with the subsequent approval of the inhabitants in a plebiscite). Greece received the former Italian Dodecanese Islands in the Aegean, with the proviso that they would be and remain demilitarized. Italy also surrendered sovereignty over her colonial empire in Africa, consisting of Libya (Cyrenaica and Tripolitania), Eritrea, and Italian Somaliland.

Territorial changes in Central Europe and the Balkans were not so extensive as after the First World War. Postwar Austria today is likely to have the same prewar boundaries, although a rectification of the boundary between Czechoslovakia and Austria may occur. Yugoslav claims to the Klagenfurt basin of Carinthia have been strongly opposed by Austria, who is supported by the United States, Great Britain, and France. Austria's claims to the South Tyrol of Italy have not been granted, but an Italo-Austrian agreement has provided for equal rights for the German-speaking people of the South Tyrol. All Trianon Hungary lost in the Peace Treaty of February 10, 1947, was a small bridgehead near Bratislava to Czechoslovakia.²¹ Although Czechoslovakia won this small area, she lost Ruthenia to Russia. Roumania kept Transylvania, eagerly sought by Hungary, but surrendered Bessarabia and Northern Bucovina to the Soviet Union and lost Southern Dobruja to Bulgaria in the Treaty of Craiova of September 7, 1940 (confirmed in the Roumanian and Bulgarian peace treaties of February 10, 1947). Thus the former Axis satellite of Bulgaria actually gained territory—Southern Dobruja—as a consequence of the war, but at the expense of her wartime ally, Roumania.²² Bulgarian demands for an outlet to the Aegean Sea at the cost of Greek territory in western Thrace were denied. At the same time, Greek demands for a strip of land in southern Bulgaria for strategic reasons and for a slice of territory in southern Albania, called Northern Epirus, were not granted.

Boundary changes among old states in Asia were less extensive compared with the shifts in Europe. Whereas the Japanese Empire, prior to

²¹ *Treaties of Peace with Italy, Bulgaria, Hungary, Roumania, and Finland: Hungary*, pp. 2-3.

²² *Treaties of Peace with Italy, Bulgaria, Hungary, Roumania, and Finland: Bulgaria*, p. 2.

1931, had an area of 260,644 square miles, it now has only 147,492 square miles, the area of the home islands. Formosa or Taiwan and the Pescadores have been returned to China as promised in the Cairo Declaration of December 1, 1943.²³ The Japanese mandate of the Carolines, Marshalls, and Marianas has become a strategic trusteeship of the United States under the Security Council of the United Nations.²⁴ The area is now called the "Territory of the Pacific Islands." The Kuriles and southern Sakhalin have been acquired by the Soviet Union in accordance with the Yalta Agreement of February 11, 1945.²⁵ Korea has been lost to Japan and is in the process of gaining independence. The future of the Ryukyus with Okinawa, the Volcanoes with Iwo Jima, the Bonins, and Marcus is unsettled.

Russian territorial gains in Asia amount to 81,800 square miles. In addition to the Kuriles and southern Sakhalin, Russia annexed Tannu Tuva, an enclosed basin of the Yenisei Valley, in 1944. The Soviet Union has acquired in the Sino-Soviet Treaty of Friendship and Alliance and related agreements, signed on August 14, 1945, a thirty-year lease on the naval base of Port Arthur and the opening of Dairen for thirty years as a free port with a lease to the Soviets of piers and warehouses. Both Port Arthur and Dairen are located in the strategic Liaotung peninsula of Manchuria. Furthermore, the Soviet Union acquired in the agreement joint ownership with China for thirty years of the Chinese Eastern Railway and the South Manchurian Railway, now consolidated into the Chinese Changchun Railway.²⁶ Finally, the boundary dispute between Russia and Afghanistan over the Kushka district was resolved in 1946 in favor of the Soviet Union.

The territorial changes in the South Pacific have involved the old German possessions mandated to members of the British Empire after the First World War. The Territory of New Guinea was changed into a trusteeship on December 13, 1946, under the United Nations, with Australia remaining as the administering authority.²⁷ At the same time, New Zealand acquired a trusteeship over her former mandate of Western Samoa.²⁸ In 1947, the phosphate-rich island of Nauru was changed from a mandate

²³ Text of Cairo Declaration, *Department of State Bulletin*, IX (Dec. 4, 1943), p. 393.

²⁴ Text of trusteeship, *Department of State Bulletin*, XVI (May 4, 1947), pp. 791-792, 794.

²⁵ Text, *Department of State Bulletin*, XIV (Feb. 24, 1946), p. 282.

²⁶ Text, *Department of State Bulletin*, XIV (Feb. 10, 1946), pp. 201-208. A map of the "Port Arthur Naval Base Area in Accordance with Provisions of Sino-Soviet Treaty" is included.

²⁷ Text, *Treaty Series* No. 68 (1947), Cmd. 7200.

²⁸ Text, *Treaty Series* No. 65 (1947), Cmd. 7197.

to a trusteeship under the same administering authorities—Australia, New Zealand, and Great Britain (Australia in practice).²⁹ The interest of three members of the British Commonwealth in this island of eight square miles reflects the diplomacy of phosphates.

In Africa, the territorial changes were not so extensive after the Second World War as after the First. In 1919, the German colonies presented a problem, but the mandate system was created to meet the situation. In 1946, all of the African mandatory powers under the old League of Nations exchanged mandates for trusteeships under the new United Nations except the Union of South Africa for Southwest Africa. Tanganyika became a trusteeship of Great Britain; Ruanda Urundi of Belgium; French Togoland and French Cameroons of France; and British Togoland and British Cameroons of Great Britain.³⁰ A petition of the Ewe people of British and French Togoland and of the British Gold Coast for a united trusteeship under a single administering authority chosen by a plebiscite was not approved by the Trusteeship Council of the United Nations in December, 1947. The Class C mandate of Southwest Africa remained a legal problem, as the Union of South Africa wanted to annex the area and refused to submit a trusteeship proposal for it.

The future of the Italian colonies in Africa remains to be settled, although some kind of a trusteeship appears likely. A compromise of the foreign ministers of the "Big Four" in 1946 provided that if they could not reach a solution on the matter within one year after the ratification of the Italian treaty, the question of the disposition of the colonies should go to the General Assembly of the United Nations for final decision. Many countries are interested in the former Italian colonies: Britain now occupies them; Russia has sought a trusteeship over Tripolitania; the United States reopened an air-base in Mellaha near Tripoli in January, 1948; Eritrea is sought by both Egypt and Ethiopia; and the British have been giving consideration to a possible trusteeship for Italian and British Somaliland. Related to Egypt's interest in Eritrea is the Egyptian desire to force Britain out of the Anglo-Egyptian Sudan and to annex it.

No new states emerged from the Second World War in Africa, apart from the liberation of Ethiopia from Italian conquest in 1935-36. However, the rise of Arab nationalism in North Africa presages the possibility of new states along the Mediterranean littoral in the future. On August 31, 1945, the United States, Great Britain, Russia, and France signed a preliminary agreement for the return of Tangier to international status.³¹

²⁹ Text, *Treaty Series* No. 89 (1947), Cmd. 7290.

³⁰ Text for Tanganyika, *Treaty Series* No. 19 (1947), Cmd. 7081; for Ruanda Urundi, *Treaty Series* No. 64 (1947), Cmd. 7196; and for French Togoland, *Treaty Series* No. 67 (1947), Cmd. 7199.

³¹ Text, *Department of State Bulletin*, XIII (Oct. 21, 1945), p. 613-618.

Franco of Spain had marched into the area in 1940, but international control was restored under the new agreement.

In the Western Hemisphere, no actual territorial changes of any consequence have occurred since the settlement of the Peru-Ecuador boundary dispute on January 29, 1942, at the Rio de Janeiro Conference of Foreign Ministers.³² Guatemala has now renewed her claim to British Honduras, but has not accepted a British offer to refer the dispute to the International Court of Justice of the United Nations.³³ Argentina continues to claim the Falkland Islands, now under the flag of Great Britain. Newfoundland has not yet decided whether to join Canada, regain dominion status, or retain some form of commission government. The United States continues to operate the bases in the New World acquired on a ninety-nine-year lease from Great Britain in September, 1940—bases in Newfoundland, Bermuda, the Bahamas, Jamaica, St. Lucia, Antigua, Trinidad, and British Guiana. At the same time, British sovereignty over these Atlantic possessions remains intact.³⁴

In summary, it may be noted that the greatest number of boundary changes as a consequence of the Second World War have occurred in Europe, while the rise of new states has been confined almost entirely to Asia. Africa has witnessed a few changes in territorial status, but the map of the Western Hemisphere remains practically the same as in early 1942. The Soviet Union has made the greatest territorial gains both in Europe and in Asia; the British Commonwealth-Empire has acquired no new possessions, but is losing territory through disintegration (according to the pessimists) or reorganization (according to the optimists); the United States has made no territorial gains through the war unless the new Territory of the Pacific Islands be considered a polite form of annexation. Both France and China have lost and gained land as a consequence of the recent global conflict. On the losing side, Japan has been stripped of her overseas empire and restricted to her homeland; Germany has lost substantial territory in the east; and Italy has relinquished sovereignty over small but important areas in Europe along with her empire. The record of the diplomacy of the postwar period does not indicate that the territorial status of the present is forever fixed.

³² Text of settlement, *Documents on American Foreign Relations*, IV [1941-42], (Boston, World Peace Foundation, 1942), pp. 433-435.

³³ *British Honduras*, British Information Services, Reference Division, Oct., 1946, pp. 15-17.

³⁴ Text, *Department of State Bulletin*, IV (Mar. 29, 1941), pp. 387-412.

INSTRUCTION AND RESEARCH

POLITICAL SCIENCE 1 AND POLITICAL INDOCTRINATION

CLINTON L. ROSSITER

Cornell University

The departments of political science in America's colleges and universities are now numbered in the hundreds, their students in the tens of thousands. The variety of these departments is bewildering, differing as they do in size, curriculum, teaching methods, political complexion, aspirations, and even in name. It is no easy matter to discover what the fifty-man faculty in political science at Columbia and the one-man department of government at a California junior college have in common; yet one thing in common they certainly do have: the introductory course, and the complex problem which it presents.

That the introductory course does present a major problem to departments of political science everywhere was clearly acknowledged by the program committee of the 1947 meeting of the American Political Science Association, when it scheduled a panel entitled "The Beginning Course in Political Science." The problem was further acknowledged by the panel itself; hardly a person of the many who took part in its proceedings, whether seated at the round-table or holding forth extemporaneously from the audience, failed to show some degree of candid dissatisfaction with the introductory course as presently conducted at his institution. Rare indeed is the department of political science which is willing to let its introductory course ride along through 1948 in the exact shape it assumed through 1947. The urge for improvement is nation-wide, and several prominent departments have gone so far as to relieve instructors of part of their normal teaching burden and commission them to work out definite programs of radical revision.

The panel at Washington also demonstrated that, although the introductory course itself shows sizable variations from college to college, it has a common hard core in almost every institution: the facts and theories of American national government. The discussion centered naturally upon the problems of this universal aspect of the introductory course. It soon became apparent that, whatever ground this course may cover at any particular institution, or by whatever methods this ground is being got over, the areas in which these problems exist (and thus where improvement is possible) are pretty much the same everywhere: textual materials, types and methods of examination, procedures of instruction, relations with other departmental survey courses, and many others.

It is the purpose of this article to deal briefly with still another question facing those of us responsible for the introductory course—one which far too many of us have not wanted to face in the past, one which therefore remains perhaps the least carefully explored: the problem of political indoctrination. It by no means has a ready solution to this problem, even if there is one; it can hardly do more than call attention to its existence. But the time has come when each of the many thousands engaged in this common enterprise must ask himself: what am I doing, and what am I going to do, about political indoctrination in Political Science 1?

I

At the outset, we must concur in a definition of political indoctrination. Unfortunately, the events of the past fifteen years have put a repellent gloss upon that fine old Latin word *indoctrinate*, and most people today are no more disposed to use the word than they are prepared to define it. Just as Lincoln's sheep and wolf were "not agreed upon a definition of the word liberty," so many a career sergeant and drafted private were not agreed upon a definition of the word indoctrinate, while Joseph Goebbels offered still another version. Political scientists, however, can agree, and Webster as usual provides a surprisingly precise and simple definition: *indoctrinate* means *teach*, with emphasis on that sort of teaching which presents ideas, attitudes, and principles in addition to mere facts. The meaning of the phrase political indoctrination follows naturally. If military indoctrination teaches a man how to be a good soldier, political indoctrination teaches him how to be a good citizen.

This leads directly to the necessity for another definition, one for which Webster can supply no ready answer. Who is the good citizen? Who can define good citizenship, which, like electricity and equity, defies one-sentence definition? To answer these questions is not so hard as might at first seem apparent. We may have trouble defining electricity and equity, but we all know what they are. Likewise we have a pretty good idea what good citizenship is, and will confess to acquaintance with a number of good citizens in every group within our community. Perhaps at the conclusion of this article we shall be better prepared to list the essential qualities of good citizenship.

That the introductory course offers a unique opportunity for political indoctrination is obvious. The question is not at all "Can we teach good citizenship?"; rather it is "Could we avoid teaching it even if we tried?" Of all teachers of the modern disciplines, it is the political scientist who is least able to present the facts and theories of his own field without wrapping them up in a bundle of value judgments, however flimsy the wrapping may appear. The instructor does not live who can teach political science in a completely neutral fashion. Since we cannot avoid pre-

senting political judgments along with political facts, we must openly confess the peculiar nature of our worthy discipline and go on from that point to inquire into the substance and validity of those judgments.

The unavoidable opportunity for political indoctrination in the introductory course thus becomes an equally unavoidable responsibility. Since we are willy-nilly in a position to teach more than facts, we not only *can* teach good citizenship but we *should* teach it. To be sure, most of the objectives in the introductory course remain as always educational in nature and scope, centering as they do about the necessity that we present to the beginning student the basic details and theories of American national, as well as state, local, and comparative government. But since these details and theories defy presentation in neutral tones, their coloration should be generally bright and sympathetic, not dun and hostile—at least in the introductory course. There is, after all, a wide gulf between physical and political science; however factual an introductory course in the former may be, in the latter it will be factual and something more.

That "something more" can be encouraging, disillusioning, or possibly colorless; and is there any doubt which it should be? Teaching can be stimulating, even inspirational, and in our case it ought to be. It is this writer's belief that a modest, but none the less provocative, program of political indoctrination is a paramount responsibility of the instructor in the introductory course; he has a clear duty to increase the political aptitude and sharpen the political senses of those embryonic political animals, his seventeen- and eighteen-year-old introductory students. It is plainly our business to encourage good citizenship. Certainly we will agree that the Republic can always use a few more good citizens, far more indeed than we in the colleges can give; and we remain as always the best qualified and situated to present the elements of good citizenship. For if we cannot teach them, who can? The high school? The parties? The American Legion? PCA? UMT?

Exactly how the instructor in the introductory course shall proceed upon this obviously delicate task of political indoctrination is a matter for each to decide according to his own political conscience and the circumstances under which he teaches. Methods may and will vary, and the pattern of success for one may be the pattern of failure for another. The task will never be an easy one, especially because it can hardly be openly proclaimed. The moment our students get the idea that they are being deliberately "politically indoctrinated" or lured into good citizenship, at that moment and not a second later the instructor may as well turn back to the painfully neutral recital of facts and theories. In simplest terms, the problem seems to be one of giving a reasonably inspirational cast to the usual curriculum, as well as to the usual methods of lecturing, leading discussion groups, and answering questions.

II

What this article aims to offer is a tentative check-list against which this "inspirational cast" can be measured—four broad objectives or methods of presentation designed to ease the introduction of sound political indoctrination into Political Science 1. This list is sketchy, flexible, and not at all exclusive. Some of the items are perhaps even questionable. The first of them, in particular, was attacked (and defended) at the December meeting. Here, then, are some broad objectives which we might be teaching and encouraging in the introductory course:

(1) *Respect for democracy*, and for all the foundation-stones which give it firm support. The instructor in political science, whether he teaches at a state-supported or endowed institution, is clearly a public servant. It has been two thousand years since Cicero asked what greater or better gift a man could offer the Republic than to instruct its youth, and he still has not been answered. Does it not seem plain that the instructor in political science, standing as he does in the front rank of those who "instruct its youth," has a duty to give his general support to the system of government and progressive social order under which the United States has existed for one hundred and sixty years? This does not mean that we must give our unqualified support, or any support at all, to the present administration or any one of its policies, or that we must refrain from suggesting that the Constitution might well be improved by five or ten seasonable amendments. It does mean that there are some basic public questions which, at least for the purpose of our introductory course, are no longer open questions, some doctrines concerning our system of government and society upon which for the present we can and do in fact agree. Examples of this sort of doctrine, no longer exactly controversial in this country, are: constitutional government, freedom of expression, separation of church and state, equality before the law, and freedom of elections.

This is not to imply that we have the duty, or even the right, to build a permanent road-block across any one of the countless avenues down which the curious student may wish to move in his search for the truth, even if his estimate of that truth turns out to be the belief that American democracy is all wrong! But that sort of inquiry we can reserve to our more advanced courses, in which the student has more than just a little dangerous knowledge and a more pronounced maturity of judgment. In short, we can well make a distinction between the introductory course and its upper-class offshoots, reserving to the latter that close and critical scrutiny of all institutions and principles which we will renounce at peril of losing our intellectual sovereignty. The fact that a good proportion of the students in introductory political science are taking their first and last course in this field must certainly be taken into account.

By no means do we have to go on the stump for the present system and

force an uncritical "200 per cent American" acceptance of the status quo. Just as the doses of value judgment which we cannot avoid ladling out are not to be all ill-tasting, so are they not to be all emulsified. There is no reason why we cannot tell the introductory student that, in our opinion, America would do well to adopt the cabinet system of government or limit the Supreme Court's power of judicial review; there is likewise no reason for us to call for the establishment of an American Church or the total abolition of Congress. In summary, the agreed essentials of American democracy should be constantly kept in the foreground of our thinking and teaching, and we should, without mounting the pulpit, indoctrinate our beginning students in their logical and historical validity. If there is any particular essential we might be emphasizing, even preaching, in 1948, it is the American doctrine of civil liberties, a doctrine which academicians should be especially interested in expounding and defending. "Without mounting the pulpit" means simply that a principle such as freedom of speech can stand on its own feet and does not have to be inserted into the Mosaic Table to have its essential validity for this country amply demonstrated.

(2) *The liberal point of view.* (Surely the number one *cliché* of American political philosophy, now that even Tin Pan Alley has a song by that name; but who can find a better label for one of democracy's first essentials?). Having discharged our academic obligations to the agreed principles of American democracy, we then can remind ourselves and our students that most public questions are open questions, that most of the great issues of the day are palpably controversial, and that any two fair-minded, intelligent men who would agree on the closed questions mentioned under the first point might easily differ on most contemporary problems. Smith and Jones may agree exactly on the separation of church and state, disagree completely on the merits of the Marshall Plan. For purposes of the introductory course, this means that, whereas such doctrines as the separation of church and state and free elections should be advanced and discussed as questions upon which good Americans will in general affirmatively agree, the Marshall Plan or the 1948 election should be advanced and discussed as questions upon which good Americans will disagree.

The introductory course does not provide the instructor a standing invitation to pussyfoot. He does not have to simulate a false neutrality on the 1948 election or any other major political issue of the day; on the contrary, he must be strong and take his stand. But he should be careful to take it with a minimum of emotion and a maximum of reason, to take it on that solid ground which is here (and everywhere) labeled the liberal point of view. If the teaching methods of any particular introductory course should lead to a classroom discussion of universal military training

or government control of inflation—and if they don't, they ought to be revitalized—both sides of the question should be presented, dissent from the instructor's stand encouraged, and all in the course inspired to approach the question with the spirit of open-mindedness and compromise which is the only lasting basis for that social unity that has kept this democracy a going concern. Certainly the instructor has no business being so closely tied to any one group in the national or local community that other groups, whether business, labor, agricultural, or what not, are habitually portrayed in unfavorable tones. There could be no more effective way of summing up these first two points than to quote the admirable rule of action of the Congregational Church: "In essentials unity, in non-essentials liberty, in all things charity."

(3) *The historical approach to political science.* A famous aphorism tells us: "Without history, government has no root; without government, history has no fruit." Political scientists should never forget that, although exponents of an undoubted separate discipline, they are not far removed in time or in logic from their colleagues in the history department. We all remain, in an important sense, historians. There is no approach to any field of study, especially government and politics, more effectively designed to weed out prejudice and narrow-mindedness and to foster the liberal point of view than the historical approach. There is surely no more handy way to open up the beginning student's mind than to expose it to a couple of lectures on the historical development of the American political and constitutional system. We would all do well to remind our students that even in 1787 there was another perfectly sound stand on the big question of the time besides that which proved victorious; and if they can be made to understand that our debt to both Jefferson and Hamilton is colossal, perhaps they will then look upon, say Taft and Wallace, with eyes from which the scales of partisan blindness have been peeled away. The chief benefit of this particular approach to the teaching of political science is the ridicule which history heaps upon those termites of American democracy, the political absolutists—the doctrinaire radicals, the Spencerian individualists, the false prophets of doom on both the right and left flanks, indeed all those who will not walk up to any issue with an open mind or a willingness to have respect for the other man's point of view. History teaches us detachment, and detachment is a quality we all might seek and cherish.

(4) *Political participation.* The final point is the most important, and the one upon which we can most generally agree. Surely the instructor can add inspiration to education by encouraging his beginning students to take an active interest as well as an active part in the civic and political life of community, state, and nation. If American democracy was worth fighting for in time of war, it is worth serving in time of peace.

Once again cast in the rôle of public servants, we have the undoubted duty to stimulate active devotion to the public weal and to impress the beginning student with the necessity of political participation. The countless opportunities for active citizenship should be repeatedly and sympathetically presented, and our students should be reminded that they by no means have to wait for graduation to become participants. Picture to them in a favorable light the significant and indispensable rôle of the political party at every level of American democracy, and encourage them to join and work, whether the object of their political leanings be the Republicans, the Democrats, the hypothetical third party, or such groups as PCA and ADA. And cursed be the instructor in the introductory course who first lets drop a cynical remark on the complete futility of one man's vote!

The League of Women Voters provides an excellent case in point. A classroom discussion on civic participation or the Nineteenth Amendment will perhaps lead to a presentation of the aims and organization of that particular group, and the instructor would be cast in his educational rôle. But he would find himself unable to present these facts in a rigidly neutral fashion; a value judgment that he regarded the League as a worthy or unworthy, admirable or futile, enterprise would be bound to creep in. Since ninety-nine per cent of us will agree that the League is a worthy organization, should we not make a point of saying so, and should we not encourage the young ladies in our class to think about joining? Thus we are cast in the inspirational rôle, as well we should be.

III

Now, perhaps, we can define good citizenship with more precision and agree upon the basic qualities which the good citizen should possess. Among those qualities are: a working knowledge of the facts of American government, an understanding of the political and constitutional theory which underlies it, a good sense of American history, a fundamental respect for American democracy, open-mindedness and a disposition to compromise, an occasional urge to look with some detachment upon the day's controversial questions and controversial men, and a sense of public duty that leads to the polls, party headquarters, and the platform of the local high school auditorium. This good citizen, this man of a little less emotion and a little more reason, we can and should help to create. If we can arm him with some of his weapons, we can teach him how and why and when to use them. What is equally important, in helping him we help ourselves, we make our introductory course a vastly more attractive proposition. For the more successfully we inspire, the more easily we can educate; and the more successfully we educate, the more easily we can inspire. Education and inspiration form a happy circle, not a vicious one.

The instructor who thinks of himself, in all humility, as a public servant is bound to be a better teacher.

So that worldly sophisticate, the Preacher, is wrong once again. In *Ecclesiastes*, I, 18, he tells us: "In much wisdom is much grief; and he that increaseth knowledge increaseth sorrow." We must dispute the Preacher, alluring as his aphoristic half-truth may be—or why do we draw our pay-checks? This we should agree to: He that increases knowledge, at least political knowledge, increases the number of good citizens, and he that increases the number of good citizens increases the chances that American democracy will survive.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

As announced in the preceding issue of the REVIEW, the forty-fourth annual meeting of the American Political Science Association will be held next December 28-30 in Chicago, with headquarters at the Palmer House. Arrangements have been completed also for holding the forty-fifth annual meeting in New York City, December 28-30, 1949, with headquarters at the Hotel Roosevelt.

The Committee on Awards of the American Political Science Association invites competition for three awards (in the form of scrolls) to be conferred on the authors of outstanding works in the field of political science. The awards are presented at the annual (December) meeting of the Association, by the following donors: the Woodrow Wilson Foundation, for the best publication on *government and democracy*; the Wendell Willkie Memorial Building, for the best publication in the field of *international relations*; the Franklin D. Roosevelt Memorial Foundation, for the best publication in the field of *government and human welfare*. Eligible for consideration for these awards are any publications (in the form of books, articles, or monographs) written by citizens or residents of the United States. The publications may be submitted by the author or the publisher. To be considered for this year's awards, a work must have been published between October 1, 1947, and September 30, 1948, inclusive; and six copies of the publication must be in the hands of the committee not later than October 1, 1948. The copies should be sent to the appropriate panel chairman, as follows: for the Wilson award, to Professor Carl B. Swisher, Johns Hopkins University; for the Willkie award, to Dean Payson S. Wild, Jr., Harvard University; for the Roosevelt award, to Professor Charles C. Rohlfsing, University of Pennsylvania. Any member of the American Political Science Association (as well as the author or publisher) may propose a publication for any of the awards. Further information may be obtained from the chairman of the Committee on Awards (Professor Francis W. Coker, Yale University) or from the respective panel chairmen.

Professor Pendleton Herring, formerly of Harvard University, and more recently an officer of the Carnegie Corporation of New York, has been appointed president of the Social Science Research Council in succession to Dr. Donald Young, recently named director of the Russell Sage Foundation.

Professor Charles M. Hardin, of the University of Chicago, has accepted a three-month appointment with the Tennessee Valley Authority to make a special study of its program in the field of agriculture.

Dr. James K. Pollock has been named James Orin Murfin Professor of Political Science at the University of Michigan. The first holder of this chair was the late Joseph Ralston Hayden.

Professor Harold Zink, of DePauw University, has accepted a professorship at Ohio State University, where he will be in charge of the work in comparative government. He will make a six-weeks visit to England during the coming summer.

Professor Schuyler Wallace, of Columbia University, is at Stanford University during the summer quarter as visiting professor.

Professor Herbert von Beckerath will be on sabbatical leave from Duke University during the year 1948-49, and has accepted invitations to lecture at the Institut des Hautes Études Internationales and the Universities of Bonn, Munich, and Hamburg.

During the past spring, Professor Charles E. Merriam continued his series of lectures at the University of Chicago under the auspices of the Walgreen Foundation, dealing with problems of political leadership.

On April 12, Professor Robert R. Wilson, of Duke University, returned from Turkey, where he had delivered five lectures on public international law at the University of Istanbul and two lectures on the same subject at the University of Ankara. The trip was made at the invitation of these universities and upon nomination of the Division of International Exchange of Persons, Department of State.

Professors Herman Finer, of the University of Chicago, and Vincent M. Barnett, Jr., of Williams College, have joined the staff of the department of political science at the University of California at Los Angeles for the current first summer session. Professor Finer is offering work in comparative government and political theory and Professor Barnett in public law.

Professor Charles Grove Haines, a former president of the American Political Science Association, will retire as professor of political science at the University of California at Los Angeles on July 1, 1948. He will, however, offer a course in constitutional law and a seminar in public law during the second summer session (August 1-September 11). Following his retirement, Professor Haines will reside at Laguna Beach, California, and continue research and publication on the rôle of the Supreme Court in American political life.

At the middle of March, Dr. William P. Maddox, director of the Foreign Service Training Institute, visited Duke University and spoke to a group of students under the auspices of the department of political science.

Professor Leslie Lipson, of Swarthmore College, and Professor William P. Tucker and Mrs. Dorothy Jacobson, of Macalester College, are teaching in the University of Minnesota summer session.

During the spring, Professor Lennox A. Mills, of the University of Minnesota, delivered a lecture before the Institute of International Affairs at the University of Omaha on the topic, "American Foreign Policy in Eastern Asia."

Professor H. H. Wilson, of Princeton University, will spend the coming summer in England studying the British labor movement.

Dr. William C. Ide, teaching fellow and tutor at Harvard University during the past year, has been appointed assistant professor of comparative government at Claremont Men's College.

Professors Russell H. Fitzgibbon and H. Arthur Steiner, of the University of California at Los Angeles, took part in the program of the spring meeting of the Institute of World Affairs at Riverside, California.

Professor Avery Leiserson, of the University of Chicago, has accepted a summer appointment with the Commission on the Organization of the Executive Branch of the Government, and will work with the staff of the Brookings Institution.

Professor A. P. d'Entreves, Serena Professor of Italian Studies, and Fellow of Magdalen College, Oxford, England, gave a series of lectures at the University of Chicago during the spring quarter on "Natural Law; A Study of the European Tradition in Ethics."

Dr. Max M. Kampelman, of the University of Minnesota, will be on the staff as a lecturer at the University of Wisconsin's School for Workers this summer. He has been lecturing and acting as a consultant for a number of trade unions in Minnesota and Wisconsin.

Dr. Werner Levi, of the University of Minnesota, will accompany a group of students to Germany this summer under the program initiated at Minnesota entitled, "Society for the Promotion of Amity Among Nations." He will also give lectures to German students at the University of Marburg.

Professors Francis W. Coker, of Yale University, and Kenneth C. Wheare, Gladstone Professor of Government and Public Administration at Oxford University, will teach in the coming summer session of the University of Michigan. Professor Coker will conduct courses on recent political thought and Professor Wheare on British government and politics.

In May, Dr. Donald C. Stone, formerly assistant director of the U. S. Bureau of the Budget, was appointed director of administration for the Economic Coöperation Administration.

Dr. Royden J. Dangerfield, professor of political science and executive vice-president at the University of Oklahoma, has accepted a professorship at the University of Wisconsin and will assume his new duties at the middle of the coming academic year. Dr. Leon Epstein, of the University of Oregon, has been appointed assistant professor at Wisconsin and will begin work in September. Professor Dangerfield will conduct courses in international relations and Professor Epstein in political theory and comparative government.

Professor Leslie Lipson, of Swarthmore College, has been invited by the Canadian Political Science Association to speak at the forthcoming convention in Vancouver. He also has received a research grant to undertake a study of Canadian government as part of a program of research in comparative democracy.

Professor Gordon Skilling, of Dartmouth College, has been awarded a grant-in-aid by the Social Science Research Council for the completion of a study of the Czech-German national conflict begun during residence in Central Europe during 1937-39. He will spend the summer of 1948 in Prague.

Dr. Marshall M. Knappen has been appointed professor of political science at the University of Michigan. He will devote three-fourths of his time to adult education activities of the Extension Service in the field of government and allied subjects.

Professor C. Herman Pritchett, of the University of Chicago, accepted an appointment for the spring and summer quarters with the Commission on the Organization of the Executive Branch of the Government, and is studying the federal regulatory agencies.

Professor Frank W. Prescott, of the University of Chattanooga, will teach at Duke University during the first term of the coming summer session.

Professor James K. Pollock, of the University of Michigan, left for Germany at the middle of May to serve for two months or more as adviser to General Clay.

Professor D. Mackenzie Brown, of Santa Barbara College, California, is taking sabbatical leave at the close of the current semester and will proceed to India and China for research, principally on Indian legal development.

President Henry R. Spencer announces that, in continuation of last year's Association panel on Citizens' Political Participation, a committee of the same name has been set up, under the chairmanship of Professor Ben A. Arneson, of Ohio Wesleyan University. The full membership will be announced in a future issue of the REVIEW.

Biographical sketches have been completed for the second edition of the *Directory* of the American Political Science Association. Publication, somewhat delayed because of printing difficulties general throughout the country, is scheduled for the coming winter.

At Connecticut College, Mrs. Mary Trackett Reynolds has been advanced from a lecturership to an assistant professorship.

By error, the author of an article on social security in Canada, published in the *Canadian Journal of Economics and Political Science*, was indicated in the August, 1947, REVIEW (p. 834) as John L. McDougall. The name should have been Raphael Tuck. During the past year, Dr. Tuck was appointed to an associate professorship at Newcomb College, Tulane University.

Dr. Felix Nigro, who recently received his degree at the University of Wisconsin, has accepted an assistant professorship at the University of Texas.

Mr. Edward W. Mill, formerly assistant chief of the Division of Philippine Affairs in the Department of State, has been assigned to the American Embassy in Manila as Second Secretary of Embassy.

Professor Clarence Senior has resigned as director of the Social Science Research Center, University of Puerto Rico, to become associate director of the Puerto Rican Migration Study at the Bureau of Applied Social Research, Columbia University. Mr. Simon Rottenberg has been appointed acting director of the Center.

Professor Joseph Dunner, of Grinnell College, will teach at the University of Nanking during the months of July and August. Before leaving for China, Professor Dunner will open the National Conference for the Prevention of World War III at Grinnell College—a conference sponsored by the Citizens Committee for United Nations Reform, the General Federation of Women's Clubs, and a number of civic and religious organizations.

The department of political science at Cleveland College, Western Reserve University, has added to its staff Mr. Jack G. Day, formerly vice-chairman of the Wage Stabilization Board, Dr. Robert H. Rawson, formerly with the Bureau of the Budget, and Dr. Max Mark, a pupil of

Professor Hans Kelsen at the University of Vienna. Mr. Day, as associate professor, will be responsible for the fields of constitutional and administrative law; Dr. Rawson, with similar rank, will specialize in administration; and Dr. Mark, who has just come to the United States after seven years in the Far East, will serve as lecturer in international relations and comparative government.

Professor Roger Pinto, of the Faculty of Law, University of Lille, France, is available for lecture courses (of as much as three or four months' duration, and in English) in American colleges and universities. He is at present engaged upon a study of French and American administrative law. Institutions interested are requested to make the fact known to the Carnegie Foundation in Paris.

Dr. Majid Khadduri, of the American University of Beirut, and during the academic year 1947-48 a visiting member of the faculty at Indiana University, has accepted appointment as visiting assistant professor of political science at the University of Chicago, and will give special courses on the Near East.

Professor R. H. Tawney, of the University of London, gave two series of lectures at the University of Chicago during the spring quarter, one dealing with the revolutions of the seventeenth century and the other with British social democracy.

Professors Robert Horn and Walter Johnson, of the University of Chicago, are members of the faculty of the summer school at Salzburg.

Professor Roland Young, of Carleton College, is teaching at the University of Chicago during the summer quarter, giving courses on the legislative process and international relations. Starting this fall, he will hold a professorship at Northwestern University.

Dr. Harold A. Van Dorn, formerly of Rutgers University, and more recently with the Civil Aeronautics Board, served as lecturer in political science at the University of California during the recent semester.

Dr. Leon H. Ellis, lecturer in political science at Duke University, has accepted a summer position at the University of Idaho, where he will conduct a course in international law and a seminar in international politics.

Dr. Morgan Thomas has been appointed to an assistant professorship at the University of Michigan.

Messrs. David A. Farrelly and Harold Chase, graduate students in the department of politics at Princeton University, have accepted teaching positions at U.C.L.A. and the University of Delaware, respectively.

Dr. Channing Liem has resigned his instructorship at Princeton University to accept an appointment with United States Military Government in Korea.

Dr. Gilbert R. Barnhart has resigned his instructorship at the University of California at Los Angeles to accept a position with the Department of Agriculture in Washington.

Professor Hugh A. Bone, of Queens College, has accepted a professorship at the University of Washington, where he will take over the work in political parties, legislation, and public opinion and propaganda.

During the spring quarter at Stanford University, Professor Dwight Waldo, of the University of California, offered a course on administrative theory, and Mr. Donald A. Rutledge, of the Arabian-American Oil Company, conducted a seminar on personnel management. During the winter quarter, Mr. Joseph Rupley, federal field representative of the U.S. Bureau of the Budget, conducted a seminar on federal field operations.

Professor Joseph S. Roucek, of Hofstra College, spoke at the annual meeting of the American Academy of Political and Social Science on April 3 on "One World Versus an Iron Curtain World." This summer, he will be visiting professor of political science, international relations, and education at the University of Southern California, giving also a course at Occidental College entitled "Beyond the Iron Curtain."

On leave from Stanford University during the spring quarter for work in Washington were Professors Graham H. Stuart, completing his history of the Department of State, and Robert H. Connery, completing a research project for the Department of the Navy.

Professor Philip W. Buck, of Stanford University, went to England in June for a year of research. At the beginning of the current academic year, he was succeeded as chairman of the International Relations Program at Stanford by Professor James T. Watkins, IV.

During the past two years, Dr. Francis O. Wilcox, chief of staff of the Senate Foreign Relations Committee and member of the Legislative Reference Service, has been conducting a seminar on International Organization at the School of Advanced International Studies in Washington, and also has lectured at various universities on the rôle of Congress in the conduct of American foreign relations.

Professor Harold H. Sprout, of Princeton University, addressed the American Philosophical Society at its meeting of April 23 on "The Impact of Changing Conditions on Civilian-Military Relations in the United States."

Professor George A. Graham, of Princeton University, has been appointed a member of the official committee on Indian affairs set up by the Commission on the Organization of the Executive Branch of the Government. His special assignment will be to work with John R. Nichols, president of the New Mexico College of Agriculture and Mechanic Arts, Charles J. Rhoads, commissioner of Indian Affairs, and Gilbert Darlington, on a review and appraisal of the Indian policy of the American government.

At Roosevelt College of Chicago, Mr. George H. Watson, chairman of the political science department, has been promoted to the rank of professor, and Messrs. Robert Reno and Benedict Mayers have been made associate professors. Other members of the present political science staff are: Ludwig Freund, Dale Pontius, Frank Untermeyer, Arnold Kuhn, Seymour Mann, Louis Rosenthal, Esther Seeman, and Robert Siebenschuh.

In conjunction with the Chicago Division of the American Civil Liberties Union, Roosevelt College of Chicago has arranged a series of six public lectures on "The Status of Civil Liberties." Professor Charles E. Merriam, of the University of Chicago, spoke on March 9 on "Civil Liberties in the Modern State," and Professor Robert E. Cushman, of Cornell University, on April 13 on "Subversive Activity and Government Investigation."

The seventh annual Intercollegiate Leadership Conference held at Russell Sage College, Troy, New York, April 23-24, was featured by a mock party convention, with students of Russell Sage and other colleges participating.

The Social Science Division of the University of Chicago has authorized a Committee on Communications to develop a program of research and instruction in this area. The chairman is Dean Bernard Berelson of the Graduate Library School, and Professor Avery Leiserson represents the political science department.

During the spring quarter at the University of Chicago, the Walgreen Foundation offered a series of five lectures on problems of state government, each given by a governor of one of the states.

The Michigan state department of public administration and the college's department of history and political science are joint sponsors of Michigan State College's third Summer Workshop in State and Local Government in Michigan, to be held July 6-23. As in the past, the course is designed primarily for teachers and prospective teachers of civics and social studies in the elementary and secondary schools of Michigan. The

instructional staff includes some seventy state, county, and city officials, teachers of government in Michigan colleges and universities, secondary school teachers, and lay persons who have an interest in education and government.

In coöperation with the American Institute of Pacific Relations, the University of Wisconsin will hold a Far Eastern Institute at Madison, July 5-16. Lecturers and discussion leaders will include Mr. T. A. Bisson, writer on Far Eastern affairs; Professor John K. Fairbank, of Harvard University, Dr. Andrew J. Grajdanzev, traveller and author; Professor Karl J. Pelzer, of Yale University; Professor Amry Vandenbosch, of the University of Kentucky; and Professors Glenn T. Trewartha and Eugene P. Boardman, of the University of Wisconsin.

The Committee on Education and Research in Planning at the University of Chicago, Professor Rexford G. Tugwell, chairman, has been authorized to grant graduate degrees in planning.

With the collaboration of the Carnegie Endowment for International Peace, Mount Holyoke College is conducting an Institute on the United Nations, starting June 20 and ending July 17. The four weeks are devoted, respectively, to "The United States and the Soviet Union in the United Nations," "Political Transformations in the East," "The European Economic Crisis and World Recovery," and "Security in an Atomic Age."

An all-day Conference on Problems of American Foreign Policy in the Far East was held at the University of Pennsylvania on April 30, under joint sponsorship of the Foreign Policy Association and the University of Pennsylvania. Among Conference leaders were Messrs. Owen Lattimore, Paul Linebarger, T. A. Bisson, Edwin O. Reischauer, Shannon McCune, Lawrence K. Rosinger, and Miss Virginia Thompson. Participants from the University of Pennsylvania included Drs. E. B. Cale, Robert Strausz-Hupé, and Norman Palmer.

Special lectures at the University of Pennsylvania in April under auspices of the department of political science included "The Search for Security," by Dr. E. H. Carr, Institute of Advanced Studies, Princeton, N. J.; "Nationalism and Peace-Making," by Professor Hans Kohn, Smith College; and "Problems of the Forty-Billion-Dollar National Budget," by James E. Webb, director of the U. S. Bureau of the Budget.

Two panel discussions, planned by Professor Earl L. Shoup, of Western Reserve University, and participated in by some fifteen teachers of political science in colleges and universities of northern Ohio, took place at Western Reserve University in March. One discussion was devoted to personalities, and the other to issues, of the 1948 presidential campaign.

The University of Florida has announced the establishment of a Public Administration Clearing House, aimed at making available research and consultant facilities in the field of public administration. Dr. Arthur J. Waterman, Jr., is director of research.

On April 9 and 10, the Social Science Section of the Ohio College Association met at the Seneca Hotel in Columbus, Ohio. The morning session was given over to a committee report on "Ohio Constitutional Revision," under the chairmanship of Professor Harvey Walker, of Ohio State University. New officers are J. M. Peterson, Miami University, president; David King, University of Akron, vice-president; Miss Mona Fletcher, Kent State University, secretary-treasurer.

The Department of State announced in March that the Board of Examiners for the Foreign Service had decided to hold, on September 27-30, a written examination for appointment as Foreign Service officer. The examination will be held at all American diplomatic posts and consulates and at eighteen civil service examination centers in the United States. Applications for authorization to take the examination must be received by the Board of Examiners on or before July 1.

From July 19 through August 13, the University of Michigan Summer Session will offer a special four weeks session in survey research methods. The program will include introductory and advanced courses in survey research and sampling methods as well as a course in methods of statistical analysis. The survey research courses will cover study design, questionnaire construction, interview technique, coding methods, and related material. An introductory course in survey methods will precede the more advanced courses, running from June 21 to July 19. Inquiries may be addressed to Survey Research Center, University of Michigan, Ann Arbor.

Under the direction of Professor Bernard Hyink, the University of Redlands has inaugurated a program of public service internships, and selected senior students interested in government service are now being afforded opportunity for direct experience with government. Seven are securing training in the personnel office of the Army Air Service Command, U. S. War Department, San Bernardino, California, and from the city of Redlands—three being engaged in a reclassification study of all employees of the Air Base, and four conducting projects concerned with revision of the city ordinances and a survey of street lighting.

The Carnegie Corporation has made a grant of \$225,000 over three years to the Brookings Institution for support of summer seminars dealing with methods and materials for teaching courses relating to American foreign policy. Brookings prepares special reports on current policy prob-

lems which, after discussion in the seminars, are distributed as teaching materials for university courses in international relations.

A regional association of Northern California political scientists was established March 13, 1948, at a meeting at Stanford University attended by sixty-three representatives from fifteen institutions. The following officers were elected: Eric C. Bellquist, University of California, president; Floyd A. Cave, San Francisco State College, vice-president; Earl C. Campbell, San José State College, secretary-treasurer; and, as council members, David M. French, Mills College, Charles Fairman, Stanford University, Bernard L. Kronick, Sacramento State College, Carl Buckman, Fresno State College, Luella J. Hall, Salinas Junior College, and John W. Smith, Stanford University.

The sixth annual spring meeting of the Pennsylvania Political Science and Public Administration Association was held at Harrisburg on April 23-24, with about fifty members in attendance. Professor Wallace Brewster, of Pennsylvania State College, presided at a session on "Political Science Approaches to American Government;" Professor Donald Harter, of the University of Pennsylvania, at a luncheon meeting on "Political Party Techniques in 1948;" and the president of the Association, Professor Jacob Tanger, of Pennsylvania State College, at a dinner meeting on "Developments in Pennsylvania Administration."

Meeting at Portland, Oregon, on April 17 and 18, political scientists from British Columbia, Idaho, Oregon, and Washington organized a Pacific Northwest Political Science Association. A program was devoted to both round-table discussions and general sessions. The following officers were elected: president, Kenneth C. Cole, University of Washington; vice-president, Maure Goldschmidt, Reed College; secretary-treasurer, Dell G. Hitchner, University of Washington; executive council members: H. F. Angus, University of British Columbia; U. G. Dubach, Lewis and Clark College; Claudius O. Johnson, State College of Washington; Eva S. Ogg, North Idaho Junior College; John Swarthout, Oregon State College; and Hugh J. Tudor, College of Puget Sound. The Association has designated the *Western Political Quarterly* as its official organ.

On April 24, 25, and 26 there was held at Ann Arbor under the sponsorship of the Institute of Public Administration of the University of Michigan, in cooperation with the Carnegie Corporation of New York, a Conference on the Organization of the Executive Branch of the Government. Political scientists who participated were William Anderson, Marshall Dimock, Rowland A. Egger, Herbert Emmerich, James W. Fesler, Joseph P. Harris, James Hart, Arthur N. Holcombe, Arthur W. Macmahon, Harvey C. Mansfield, Roscoe C. Martin, Lewis Meriam, Charles

E. Merriam, John D. Millett, Don K. Price, Wallace S. Sayre, Lloyd M. Short, Lent D. Upson, and John A. Vieg. In addition, some of the members of the Hoover Commission and its staff were present. Professor James K. Pollock, chairman of the department of political science and a member of the Commission, served as host, while Professor John W. Lederle, secretary of the Institute of Public Administration, handled local arrangements and Professor C. Ferrel Heady acted as reporter.

The Sixth Conference of Midwest Political Scientists was held at the Claypool Hotel, Indianapolis, April 30, May 1 and 2. The opening session on Friday evening was addressed by Professor Harold J. Laski, of the London School of Economics and Political Science, on "The Prospects for Democratic Government." He was introduced by George H. Watson, of Roosevelt College, through whom Mr. Laski's appearance was made possible. Six informal group meetings on Saturday morning dealt, respectively, with "Fair Employment Practice Commission Progress in the Midwest," "The Problem of Getting Students Interested in Practical Politics," "State Constitutional Changes in the Midwest," "Recent Developments in American Constitutional Law," "Political Trends in the Middle West," and "Labor and Industrial Relations." The annual business meeting, held in connection with a Saturday luncheon, was presided over by Harold Zink, retiring chairman of the Managerial Committee. Placed on the Managerial Committee for the ensuing year were Llewellyn Pfankuchen (*chairman*), Richard G. Browne, E. Allen Helms, Jack Reeves, H. W. Ward, and Harold Zink. Members of the new Program Committee are Paul C. Bartholomew (*chairman*), John L. Auble, Asher N. Christensen, John Brown Mason, and Robert F. Steadman. Harry W. Voltmer was continued as secretary-treasurer. A Saturday dinner session was addressed by President Henry R. Spencer of the American Political Science Association. On Saturday evening, Hans Leonhardt discussed "The Nuernberg Trials," and Edward H. Buehrig spoke on "American Policy and the United Nations." The program was concluded by two section meetings on Sunday forenoon dealing with "Political Trends in Europe" and "Political Trends in the Far East." Over 200 registrations made this the best attended meeting ever held by the Midwest Conference. The program committee was composed of E. Allen Helms (*chairman*), Paul C. Bartholomew, Marshall E. Dimock, Marshall Knappen, and William S. Shepherd. Wallace P. Rusterholtz was chairman of the committee on local arrangements. The Conference accepted an invitation of the University of Wisconsin to meet in Madison April 22-24, 1949.

BOOK REVIEWS AND NOTICES

- ✓ *America's Destiny*. BY HERMAN FINER. (New York: The Macmillan Company. 1947. Pp. 401. \$5.00.)

America's Destiny is clearly, emphatically, and authoritatively defined in this timely and provocative book. But this is no narrow treatise on American foreign policy; it is rather an astute analysis of the present international crisis and its causes, with emphasis upon the rôles of Great Britain, Soviet Russia, and the United States. It may be said, in general, that the author defends Britain, blames Russia, and appeals to America—appeals to us as the great hope, in fact the only hope, for a peaceful world. At the same time, American policy, especially as it has evolved since the death of President Franklin D. Roosevelt, comes in for devastating criticism on account of its unpredictable changes, its vacillation and inconsistencies, its costly errors. But despite its mistakes and weaknesses, the United States still holds in its hands the crucial responsibility for peace and, in the author's view, if it uses its power with intelligence and will, has a good chance to succeed in its mighty task.

It has been remarked that international politics is a synthesis of many disciplines. This book bears out this opinion, for in his appraisal of the present situation the author reveals a profound knowledge of history, economics, government, foreign policy, geography, and sociology. True to the high standard set by Zimmern, Carr, Toynbee, and Woodward, he lends support to the view that the best writing on international relations still originates in the British universities.

Professor Finer makes a passionate defense of democracy, not only as a way of life, but as a road to peace. In fact, he agrees thoroughly with Woodrow Wilson that an international organization cannot succeed unless composed of self-governing democratic states.

By exposing current illusions which have done so much harm, especially in this country, the author renders an invaluable service. Wendell Willkie's "One World" concept is attacked as false. The tremendous differences still dividing the nations, above all nationalism, are convincingly described, and we are urged to study these divergencies rather than to build fallacious theories of global unity. The states of the world are today more nationalistic than ever, though the radio signal circles the globe in less than a second. In fact, many a modern invention, notably short-wave broadcasting, which promised to promote international understanding is now used to divide the nations rather than to unite them. That much-advertised prescription for all our ills—world federalism—is shown up as utopian, even quixotic.

On the head of Soviet Russia is placed the direct responsibility for

wrecking our hopes for a successful United Nations. In fact, Russia constitutes the main obstacle to world peace. Soviet depotism is not merely the invention of Lenin and Stalin, but has its roots deep in the amoral totalitarianism of nineteenth-century Russian anarchists, who held, as do the Soviets today, that the end justifies any means, however execrable. Probably no more devastating arraignment of Soviet policies, both domestic and foreign, has ever been written (see Chapter IX.) Followers of Henry Wallace would find some difficulty in answering this long list of charges. "With only variations of rhythm and force, the Soviet rulers conducted a shrewd, persistent, unabashed, cynical campaign against other nations suitable to favorable or unfavorable circumstances at different points of time."

How can we meet the challenge of Russian aggression? What is the best road to peace? The author explores all possible alternatives. Prudence? Bribes? Intimidation and force? None of these solutions appears wholly satisfactory; none is sure to work. With considerable hesitation—and who but a fool would venture today an unequivocal answer?—Professor Finer advocates adequate preparedness, moral and military, against any and all eventualities, as the best possible policy. He urges firmness without threats, in the hope that *in fear* Russia may abandon her present aggressive policies. (Also, the author throws in the suggestion, but without great conviction, that the vast campaign of popular education now under way among the Russians may lead them in the long run toward enlightenment, so that heresies may creep in, eventually launching a movement for democratic liberties.) "If," he concludes ominously, "the method of persuasion is impossible, and the responsibility of compulsion is not adopted, then peace in our time is a bubble destined to be pricked."

JOHN B. WHITTON.

Princeton University.

The Great Rehearsal. BY CARL VAN DOREN. (New York: The Viking Press. 1948. Pp. xii, 336. \$3.75.)

The authorship of this work is sufficient guarantee that the presentation of the subject-matter lacks neither in excellent style nor historical accuracy. The drama of the story, while not over-done, is well underlined. The character delineations have never been better done.

Mr. Van Doren loses little time in getting down at once to the Constitutional Convention itself. After a brief account of General Washington's eminent position in the states at the time and a similarly brief account of Benjamin Franklin, "the philosopher," to whom he gives a place of greater importance than other historians of the period, he comes at once to the days immediately preceding the Convention. Local color is not lacking—the description of the State House in Philadelphia; Washing-

ton's arrival in his carriage and Franklin in his new importation, a sedan chair "borne by trusty convicts from the prison;" Franklin's dinner for the delegates at which the amiable sage served a cask of beer lately received as a gift from Jordan's brewery in London; the preliminary meetings of the Virginia delegates at the Indian Queen Tavern, "a large pile of buildings, with many spacious halls, and numerous small apartments, appropriated for lodging rooms." With many other items, Mr. Van Doren enriches his description of the coming together of what the *Pennsylvania Herald* of the time called the "collective wisdom of the Continent" meeting to deliberate "upon the extensive politics of the confederated empire."

In more than one account of this crucial period we have been told of the general indifference of the people toward the Convention during its sessions. From Mr. Van Doren we gather a different impression. There would seem to have been even a feeling of suspense in many quarters. Long before the day of public opinion polls, it was not easy to determine what the butcher, the baker, and Mr. Common-Man were thinking. Naturally, however, when the document came before the public, the debate was intense; and Mr. Van Doren makes the most of those fears so keenly felt and so little realized—for example, the assorted horrors that many people felt would be perpetrated in a district ten miles square, the seat of the new Leviathan, the national government.

Nothing new is brought to light in *The Great Rehearsal*. It is material well-known to American historians and students of American government. The method of presentation, however, and the choice of material make the work a valuable contribution. Undoubtedly it will find a wide audience among the general body of readers in America, for whom a realistic and readable work on the formative years of American constitutional government will have unquestioned value.

JEROME G. KERWIN.

University of Chicago.

✓ *The Development of the Constitution in the Case Law of the Supreme Court.*

By PERCY T. FENN. (New York: Appleton-Century-Crofts, Inc. 1948. Pp. xix, 733. \$5.00.)

In one of the latest additions to the growing number of casebooks on constitutional law, Professor Fenn endeavors to present a collection of cases for college rather than law students. In so doing, he has produced a casebook which, without being unorthodox, presents three novelties not found in other case collections. These consist of the general notes of a socio-political nature preceding the cases in twelve of the thirteen chapters, more numerous and more lengthy selections from dissenting opinions, and a rather substantial collection of cases interpreting the Sherman and

Clayton Acts, the National Labor Relations Act, and the Norris-La Guardia Act, all of which bear upon interstate commerce, but which are primarily interpretations of statutes rather than of the Constitution.

The book is divided into five major sections: (1) "The Federal Union," which is a misnomer because this part deals exclusively with judicial review, some of its antecedents prior to *Marbury v. Madison*, and its expansion; (2) "The Great Concepts of the Constitution," which includes civil rights, contracts, due process of law, and the state police power; (3) "The Fiscal Powers of Government," consisting of the powers of the states to tax and federal monetary power, but containing little on federal taxing powers; (4) "The Interstate Commerce Clause," and (5) "The Revision of Dogma," consisting of chapters on the federal quasi-police power, the New Deal and state power, and the New Deal and national power. Within the framework of this organization, excepting Part I, the compiler has selected his cases judiciously, and he has manifested discernment in the portions of the cases selected.

Aside from the lengthier selections and from the greater number of dissents which illustrate the judiciary in action, it is doubtful whether this casebook does for the college student anything that the other casebooks fail to do. It remains, aside from the introductory notes, some additional comments interspersed between cases, and selections from arguments of counsel in two cases, exclusively a casebook. In his neglect of opinions of the Attorney-General, congressional debates, commentaries on the Constitution, and other sources of constitutional law, he has failed to provide valuable materials for the college student in a collection that would be truly novel and even unique.

If it is the purpose of Professor Fenn to present cases which illustrate the judicial function in operation and the process of judicial legislation as a consequence thereof, he has succeeded rather well. His selection of cases illustrates vividly the development of the changes in constitutional law under the impact of wars and depressions. However, if it is his purpose to provide a well balanced picture of the American constitutional system, his book falls considerably short of his goal. Missing from the volume are cases and materials dealing with the nature of federalism, such as national-state relations; interstate relations; the amending process; citizenship and suffrage; the separation of powers; the judicial power, aside from judicial review; the foreign relations power; and bills of attainder and ex post facto laws. In addition to these omissions, only two cases are included under the war power, and these relate to price-fixing and rationing. Missing, too, are some of the ancient landmarks which make up our constitutional heritage like *McCulloch v. Maryland*, *Martin v. Hunter's Lessee*, *Yick Wo v. Hopkins*, *Ex parte Milligan*, not to mention such later classics as *Champion v. Ames*, *Missouri v. Holland*, and the *Curtiss-Wright* case,

all of which are fully as significant to the college student as to the law student, and some much more so.

It follows, therefore, that the value of Professor Fenn's book as a text will vary according to the scope and method of individual courses in constitutional law. For those courses emphasizing judicial review, due process of law, the police power, and the commerce power, it will be excellent. For those courses which emphasize the structure and mechanics of our intricate governmental system, it will not be acceptable. Whether the placing of many of the cases decided for the most part from 1937 to 1947 in a separate section in order to emphasize the constitutional revolution within the Supreme Court will prove desirable is debatable, but this arrangement is no obstacle to topical assignments.

ROBERT J. HARRIS.

Louisiana State University.

✓ *American Foreign Service.* BY J. RIVES CHILDS. (New York: Henry Holt and Company. Pp. viii, 261. \$4.00.)

Descriptions of the work of the contemporary American Foreign Service are so rare that any promise of authentic information is welcomed. Mr. Childs in this book fulfils the promise by about fifty per cent. He describes in summary fashion the work of the Paris Embassy, including its consular division, and he deserves credit for this part of his function. He manages to show the complexity of work in the service and the proportion of the total function which is unglamorous routine. As Hugh Gibson remarked in *The Road to Foreign Policy*, "Glamor is about as rare in diplomacy as it is in a grocery."

Before reaching this part of his book, Mr. Childs, a career Foreign Service Officer himself, understandably makes the usual argument for a universal career service. Like most of these arguments, his case is based upon the relevance to negotiation of experience in the techniques of diplomacy and awareness of the nature of foreigners. He does not face, however, two questions which should be answered if the argument is to be convincing.

First, how does it happen that some of our outstanding diplomats were politically appointed, and continue to be? There is much to be said for Josephus Daniels' view in *Shirt-Sleeve Diplomat*: "Undoubtedly long training helps in the meticulous and technical duties of the office, but it does not give broad experience in public affairs."

Second, Mr. Childs, like other career officers when making this argument, assumes that the Foreign Service does not make policy but only carries it out, whether approving or not. This is naïve. Policy is affected directly by the kind of reports received from abroad, and any experienced reporter is aware of the extent to which editorial "slant," the selection of

what to report, and personal bias will enter reporting in the foreign service even as in journalism. Furthermore, in present practice the key positions for "political" policy in the State Department in Washington are filled by career Foreign Service Officers. Perhaps policy-making officials should be more responsible politically. At least, the question should be answered in an argument.

Mr. Childs writes as typical of the honest, competent Foreign Service Officer. To question the argument for a career service extending to the very top in all posts of the world is not to question the ability and integrity of the career service for the technical aspects of its jobs.

JAMES L. McCAMY.

University of Wisconsin.

- ✓ *Federal Protection of Civil Rights; Quest for a Sword.* BY ROBERT K. CARR.
(Ithaca, New York: Cornell University Press. 1947. Pp. viii, 384.
\$3.00.)

Professor Carr, executive secretary of the President's Committee on Civil Rights, and perhaps largely responsible for the form, if not the substance, of the Committee's report, uses words from Mr. Justice Jackson's opinion in *Pollock v. Williams* (1944) as the subtitle and theme of his book. Justice Jackson had held that it is not enough to safeguard civil rights against infringement by government. The negative words of the First Amendment—"Congress shall make no law," etc.—important as they are as a "shield" for civil liberties, must be supplemented by a positive program of governmental action. Government, that is to say, must become a "sword" and wage aggressive war against encroachments on fundamental liberties, whether by public officials or by private individuals.

This approach to the civil rights issue marks a distinct break with our traditional policy. Except for a brief period immediately after the Civil War, federal activity directed toward the "sword" technique has been, as Professor Carr says, "cautious, limited, and tentative, and has always faced an uphill fight constitutionally" (p. 24). The high barriers erected by the Supreme Court in leading cases, such as *Barron v. Baltimore*, *Slaughter-House*, and *Civil Rights*, have not been fully scaled even to this day. An important step toward the new approach was taken by Attorney-General Frank Murphy (now associate justice) in 1939 when he issued an administrative order creating the Civil Liberties Section in the Department of Justice. Murphy's action was exploratory, almost halting. The new unit was, his order said, "to make a study of the provisions of the Constitution of the United States and acts of Congress," "to make appropriate recommendations" in respect to civil liberties, and so on. Professor Carr gives Justice Murphy "a good deal of personal credit" for what has

turned out to be to a significant agency of government. It was "his idea and his idea alone." This is not to suggest that no groundwork had been previously laid for such a step. Mob violence against unpopular minorities, combined with the research of scholars (such as Cushman and Swisher), Congressional investigations (such as that of the La Follette Committee on Education and Labor), and judicial opinions (often in dissent, notably, Justice Harlan in the Civil Rights Cases) revealed glaring inadequacies in the "shield" approach. Attorney-General Murphy's move was long overdue.

Professor Carr's book explores only one segment of the vexing civil rights problem, but it is an important one; and champions of civil liberties will discover in his findings many handles that can be readily pressed into their service. Furthermore, if the omnibus bill now pending in Congress becomes law, those called on to defend its constitutionality will find helpful clues in these pages.

Professor Carr tells first the story (and it is an absorbing one) of the creation of the Civil Rights unit, an act of solely administrative discretion without statutory foundation. Chapters 2 through 4 run the gamut of the constitutional and statutory phases, the latter constituting the core of the book and representing a significant contribution to our knowledge and understanding of the subject.

In his order establishing the Civil Rights Section (CRS), Attorney-General Murphy had declared that "the function and duty of this unit will be . . . to direct, supervise, and conduct prosecutions of violations of the Constitution and acts of Congress guaranteeing civil rights to individuals." Professor Carr shows in satisfying detail how the CRS, in pursuance of this objective, refurbished old statutory provisions, now Sections 51 and 52 of the *United States Code*, and made these more effective instruments against encroachments on fundamental rights by either government officials or private persons. Definite progress has been made, but much remains to be done. Despite the CRS's labors and a measure of success, the author finds himself somewhat discouraged by certain results. "It is a shock," he writes of the all-important *Screws* decision, "to find a Supreme Court which, more than any previous court in our history, has sought to foster the cause of civil liberty, confused by the case and disposing of it in such equivocal and divided fashion" (p. 113). Here three justices, two on the present Court, "revealed complete lack of sympathy with the use by CRS of Section 52 in police brutality cases," the specific incident being one of the most revolting in our history.

The book ends with the author's suggestions for developing and improving CRS's procedural techniques in conducting prosecutions and with an eloquent plea for more effective governmental action. "For a century and a half," the author concludes, "American policy toward the

problem of safeguarding civil liberties centered in the 'shield' approach. The danger to our rights, it was felt, lay in the federal government." The Bill of Rights itself reflects this philosophy. Now, largely through the work of the CRS, we are aware of the protective shield's limitations. Meanwhile, another instrument has been fashioned, a sword, also largely the work of the CRS. Though little or no constitutional sanction exists to support it, its usefulness has been amply demonstrated. "Now," the author implores, "that usefulness must be exploited, for we are living in troubled and uncertain times. Eventually, we may establish so well-ordered a society that no man will have cause to fear for his freedom. . . . The sword is a tested and useful weapon for the protection of this liberty. Let us not hesitate to use it."

Professor Carr has given us a timely and effective book, admirably conceived, balanced in organization and presentation—a work that meets the requirements of scholarship as well as literary artistry. In all these respects it may well serve as a model of research and writing in political science.

ALPHEUS T. MASON.

Princeton University.

Criminal Procedure from Arrest to Appeal. BY LESTER B. ORFIELD. (New York: New York University Press. 1947. Pp. xxxi, 614. \$5.50.)

Sir James Stephen, the leading historian of the English criminal law, has stated that to be complete a study of criminal procedure should include its history, a description of it as an existing system, and a critical discussion of its component parts with a view to its improvement. The author of this volume has followed just such a formula in this study of American criminal procedure. Like his earlier work, *Criminal Appeals in America*, this book is a part of the Judicial Administration Series of the National Conference of Judicial Councils, of which Roscoe Pound is the director and Arthur T. Vanderbilt chairman of the executive committee. In each of the six completed volumes in this series, the method employed has been the same: to trace the history of the subject, to sketch the law as it now is, and then to formulate some sound working standards for the guidance of the judicial councils of the states, or other agencies concerned with an improved administration of justice in this country. In this case, the writer has not only attempted to state the history of each stage in a criminal proceeding, but has made an effort to compare American procedure with English, and to a lesser degree, with Continental procedure. The result is a most rewarding study in the important field of American criminal procedure, in which Bishop's treatise, published in 1856, has remained the standard work.

The need for a new, full-length study, is apparent. It is true that innumerable surveys of criminal justice have been made, and that a comprehensive code of criminal procedure has been drafted by the American Law Institute, with careful attention given to federal criminal procedure, as well. It is also true that the American Bar Association, the American Judicature Society, the American Institute of Criminal Law and Criminology, and many other organizations, have long been interested in improving criminal procedure and that a voluminous literature has appeared concerning it. Much of this literature has been of a piecemeal character, however, and in no way provides the integrated treatment of American criminal procedure from the standpoint of its past, present, and future conditions, which is the chief virtue of this volume.

This does not mean that all phases of that procedure are examined here. Criminal procedure, in its widest sense, includes the whole of the criminal adjective law—process, pleading, trial, evidence, and *habeas corpus*. The subject of evidence has not been dealt with in this volume, except incidentally. Nor has the law of search and seizure been considered. Moreover, interstate rendition and international extradition are omitted, as are *habeas corpus*, former jeopardy, coroners' inquests, procedure in petty cases, and parole and pardon. Venue is covered, but jurisdiction is not. These omissions, which were dictated by limitations of time and space, do not detract from the strength of the book, however, and are quickly lost sight of in the wealth of material found in nine closely packed and thoroughly documented chapters, which consider in turn the following aspects of criminal procedure: arrest, preliminary examination, bail, grand jury indictment and information, arraignment and preparation for trial, trial, motion after verdict, sentence, and judgment."

In treating these essentials of criminal procedure, the writer has remained faithful to his plan of not only examining the existing law and practice, but setting forth those changes which he considers necessary for an improvement of existing methods of practice, in the light of the best thought that has been brought to bear on the problem in the Anglo-American legal environment and elsewhere. He has succeeded admirably in this purpose, and he presents his synthesis in a clear and orderly fashion.

In conjunction with the earlier Orfield work, this volume makes available to students of political science, as well as to lawyers, judges, and legislators, a very useful survey of this neglected field of the law. A short introduction by the author throws light on his methods and purpose, and Arthur T. Vanderbilt lends strength to the volume by an excellent foreword. A usable index is appended.

FRANCIS R. AUMANN.

Ohio State University.

People and Process in Social Security. BY KARL DE SCHWEINITZ. (Washington, D.C.: American Council on Education. 1948. Pp. x, 165. \$2.00.)

This is the first study of the Committee on Education and Social Security of the American Council on Education, established in 1944 to explore the problem of training for social security administration and related problems. The study by the director of the committee may be presumed to reflect the collective thinking of the committee itself.

Approximately 75,000 persons are engaged in the administration of the various parts of the Social Security Act, under federal, state, and local agencies. Not only has this program become one of the major functions of government, but about half of the personnel, according to this study, are engaged in professional, semi-professional, or technical work—an unusually high proportion—for which college or university training is desirable. In addition to those engaged in the line or program activities of the several forms of social insurance and assistance embraced in the act, large numbers of trained personnel are needed for accounting, auditing, administrative management, legal action personnel administration, public relations, and other related work. From its inception, the Federal Social Security Board has required (and now it has been required by federal law) that all personnel be selected and retained on the basis of a merit system. In many states and most local units of government, the personnel engaged in the administration of social security has been the single exception to the rule of political appointments. The requirement of a merit system for social security administration, initially strongly opposed, has in many instances been adopted generally by the agency for other governmental services.

But it is not enough to establish merit systems. High standards of administration of social security require its close integration with the educational system of the country. The Committee on Social Security and Education has undertaken to study the knowledges and skills required in the administration of social security in order to throw light on the kind of training which the universities and colleges should offer to persons aspiring to careers in social security administration. Two difficulties immediately present themselves: first, few undergraduate students have definitely decided that they wish to prepare for such a career; and second, so many different and distinct skills and knowledges are involved in the administration of the rather diverse programs embraced in the term social security that one may well question whether the concept of "social administration" is valid and useful.

Mr. De Schweinitz does not recommend a special course of instruction for persons who would embark on a career in social security administration. He quotes with approval Mr. Arthur Altmeyer, Commissioner for Social Security, who says: "I would rather employ the student who comes

with an education in the liberal arts and no technical proficiency in social security than one who in attempting to learn social security administration has taken time from the liberal arts." The analysis by the author of the process of social security administration, and his recommendations concerning needed knowledges, skills, and attitudes, will be of great interest to the teacher of the social sciences; his observations on the tasks of the administrator will be of special interest to political scientists. The administrator, reasons the author, differs from the supervisor in that he must direct all of the different activities of the organization—accounting, statistics, research, administrative management, as well as line activities. No longer can he be a specialist or rely on his own technical skill in any one field, for methods and techniques are constantly changing. The administrator is the integrating force, and must provide the leadership. He must have a feeling for the public interest and for the development of institutional policies, the ability to interpret the program to the community and to take final responsibility for the actions of his organization. Concerning the educational preparation for an administrative career in the field of social administration, the author summarizes his findings as follows: "The person who comes from college with an orientation to the world and to society of which he is a part, with the capacity to arrive at synthesis, with skill in the art of communication, and with ability to learn, will have acquired a substantial portion of the equipment his career demands." He goes on to state that graduates who have had courses in the social sciences are, in general, better prepared than others for such careers.

The process by which a great social program enacted into law is translated into policies, procedures, and action, and extended to millions of people, and the attitudes as well as the skills necessary for its administration, are discussed with great understanding and insight by the author. It is to be hoped that subsequent publications will go further and make somewhat more specific suggestions and recommendations concerning courses of instruction that would be suitable for persons training for such a career.

JOSEPH P. HARRIS.

University of California, Berkeley.

Industrial Mobilization for War. BY THE WAR PRODUCTION BOARD HISTORIAN AND STAFF. (Washington D.C.: Civilian Production Administration. 1947. Pp. xiii, 1016.)

Volume I of *Industrial Mobilization for War* deals with program and administration. It is the result of the work of eleven authors. At least two of the number, Charles M. Wiltse and Carroll K. Shaw, are political scientists. Another of the same profession, James W. Fesler, supervised and reviewed the volume. These men and their colleagues deserve hearty congratulations on the result of their efforts. They have shown that offi-

cial histories can be written without the "whitewashing" which has characterized some Budget Bureau, Office of Price Administration, and War Department publications in this field.

The volume is not recommended for light vacation reading. Its thousand pages bristle with footnotes and details. There is no stimulating thesis advanced in its pages. As noted below, the reader is not spared the pains of following through the involved details of the various bureaucratic birth-pains of the War Production Board. Statistics and alphabets are used very freely.

The virtues of the volume are for serious students of bureaucratic functioning and for the men who will be shaping the structure of World War III. This book, much larger and more detailed than Baruch's book on industrial mobilization in the first war, will contain many of the answers to organizational problems of the future. It speaks frankly of the slow reaction to the needs of the times during the National Defense Advisory Commission period. The disagreement between Knudsen and others, such as Nelson and Henderson, over plant expansion in 1940 is perhaps not quite as sharply portrayed as it should be, but it is commented upon. The unclear relations of Palmer (Defense Housing) and Hillman (Defense Labor) are noted. Difficulties between the functional divisions of the Office of Production Management are sharply outlined, as are the problems between the Office of Production Management and the Office of Prices and Civilian Supply. The hopelessly confused situation under SPAB is also presented.

Good administrative history must look for conflicts, explore them, and comment on them fully. Fesler and his staff have recognized this more clearly than any other group of the numerous World War II historians.

Like every review, this one must end with some of the difficulties of the volume. More stress is laid on inter-agency than on intra-agency conflicts. The material on program is presented in alternate sections not too skillfully woven into the administrative material. As is inevitable with a study made by a semi-independent staff, largely on memoranda, reports, and other records, there is little of the color which characterized WPB's life. These criticisms should not be taken too seriously. No writer or group of writers can put all facets of a great administrative agency into one volume. The present authors have made a splendid job of what they set out to do.

GEORGE C. S. BENSON.

Claremont Men's College.

Rebuilding the World Economy; America's Rôle in Foreign Trade and Investment. BY NORMAN S. BUCHANAN AND FRIEDRICH A. LUTZ (New York: The Twentieth Century Fund. 1947. Pp. xiii, 434. \$3.50.)

The series of international crises since the military defeat of the Axis

powers has made it imperative for the American public to consider carefully policy proposals that may aid the United States in establishing, even in part, a postwar world of prosperity and harmony. This volume by Professors Buchanan (of the University of California, Berkeley) and Lutz (of Princeton University) is a distinguished analysis of the problems and the alternative remedies or solutions involved in world economic reconstruction today, with special emphasis on the rôle of the United States.

After sketching the special conditions that enabled world trade and finance to develop along *laissez faire* principles within certain limits between 1815 and 1914, the authors show how drastically World War I, the Great Depression of 1929, and World War II damaged the nicely-balanced world economy of 1914. They demonstrate that the key postwar economic problem is the tremendous adjustment of the present international distribution of governmental and business claims and obligations to the world changes in different countries' industrial capacity, labor skills, and agricultural production.

The authors then devote the remaining two-thirds of the text to a penetrating exploration of the fundamental changes in the pattern of world trade and finance that will be needed for the repayment of war debts and the supplying of relief, rehabilitation, and reconstruction to devastated and low-income areas. I know of no other single study which gives such an admirable synthesis and application of nearly all the best studies and conclusions on the subject. Only the economic specialist will miss references to such treatises as A. P. Lerner, *The Economics of Control*, and J. L. Mosak, *General Equilibrium Theory in International Trade*.

In summing up their extended analysis, the authors of *Rebuilding the World Economy* present two interdependent programs. The first, covering the special problems in the transition period from war to peace, stipulates five necessary conditions for economic stability, multilateral trade, and free-exchange markets: (1) relief for the war-needy to restore the most important production factor, manpower; (2) capital exports to countries with damaged productive apparatus so they may achieve reconstruction; (3) solving Britain's (and the other war-allies') debt problems by reducing the annual payments for interest and amortization to manageable proportions; (4) adjusting the existing structure of foreign exchange rates to harmonize with the relative movements of national price levels; and (5) halting inflation in countries participating in international trade.

Professors Buchanan and Lutz center their second program on three objectives essential to a long-range restoration of a world economy: (1) achievement of international peace and political stability; (2) avoidance of serious world depressions through intelligent high and stable employment policies in all countries, especially the United States; and (3) reaching of an international agreement among nations on certain rules of con-

duct appropriate to multilateralism. In the authors' eyes, these new rules must eliminate (or minimize) the practices current before World War II: currency warfare, quantitative trade restrictions, subsidies, foreign exchange control, and calculated economic exploitation of weaker countries through bilateral trade agreements. The best instruments for breaking away from these and the outmoded pre-1914 institutions are the International Monetary Fund, the International Bank of Reconstruction and Development, the emerging International Trade Organization, and the Economic and Social Council of the United Nations. The last-named agency is favored as the coördinator of the national full-employment and monetary policies in the different countries.

These agencies and proposals would promote and harmonize the powerful and often unnecessarily conflicting pressures by different groups for income security, industrialization, and multilateral trade. They are in accord with the key suggestions made in the 1945 League of Nations study, *Economic Stability in the Post-War World*. But the authors have purposely refrained from developing some of the policy implications of their analysis so that the Twentieth Century Fund's Committee on Foreign Economic Relations could frame a special detailed critique on current American foreign economic policy. In the light of their evaluation of the record, the Committee, headed by Professor Winfield W. Riefler (of the Institute for Advanced Study, Princeton) advocates a six-point program of action, in harmony with the Buchanan-Lutz analysis, but going beyond it in detailed advocacy of ways and means. Their main recommendations (pp. 293-315) are that the United States government should (1) immediately establish a multilateral system of trade among whatever nations are now able and willing to join; (2) give direct aid on an adequate but realistic basis to help war-exhausted countries rebuild their economies and rejoin an open system of world trade; (3) give the Export-Import Bank increased resources and primary responsibility for financing the American share of this rehabilitation program; (4) get the International Bank for Reconstruction and Development to concentrate on long-range international reconstructive and developmental programs so geared as to promote long-term stability of the flow of investment, and consequently of international trade; (5) move to create an international buffer-stock agency designed to promote stability in the great world markets for raw materials and prime commodities by accumulating stockpiles of storable raw materials during depressions and disposing of them in periods of prosperity; and (6) expand the volume of American imports by vigorous use of the Reciprocal Trade Agreements Act and technical changes in our tariff-law administration.

There is little in these proposals with which one who is not an isolationist or Stalinist can quarrel. Events since the publication of the book,

though they have moved far faster and more drastically than the authors foresaw, have served to underline the soundness of the basic analysis and constructive recommendations. The Marshall Plan is in fundamental harmony with the ideas advocated, as the reader can discover by checking the volume against the Department of State, *Outline of European Recovery Program*, Senate Foreign Relations Committee Print, 80th Cong., 1st Sess. But this reviewer feels that the authors and Committee should have anticipated the increasing gulf between the Western powers and the Soviet bloc, with the cleavage of the globe into Two Worlds, and the growing likelihood of an armed show-down. Then this volume could have been so modified as to serve even more directly the needs of statesmen and public during the coming critical days.

Two points of correction need be noted. The authors seem unjustified in ignoring the security intent behind the severe Allied programs for Germany after World Wars I and II (pp. 29, 167). They seem to have misjudged or over-emphasized the possible world production of food in World War II (pp. 93-95). But these faults are minor. The book stands higher than any rival works so far published.

SIDNEY RATNER.

Rutgers University.

Exporting Arms; The Federal Arms Export Administration, 1935-1945.

By MURRAY STEDMAN. (New York: King's Crown Press. 1947. Pp. x, 150. \$3.00.)

To those who have served in the Department of State, Murray Stedman's little book sounds like news from home. He shows how personality conflicts, preoccupation of chiefs with high policy matters, and a simple shortage of responsible leaders at the middle echelons of administration affected adversely the arms export control during the war years. In fact, if we were addicted to eighteenth-century title pages, Mr. Stedman could have another sub-title: *Being also in Part a Study in Administrative Leadership: With an Indication of the Effects of its Presence and its Absence in a Particular Case*. During the years he organized and supervised the control unit (1935-41), Joseph C. Green secured through personal consultation with the geographic offices a harmonizing of functional and areal views and of policy and operations (p. 115). After 1941, until the establishment of the new Armaments Committee in 1946, great confusion appears to have existed with respect to areas of responsibility for formulation of policy decisions (p. 36).

Mr. Stedman, who in 1945-46 was employed in the Munitions Control Section of the Department of State, essayed a three-fold purpose in writing this book: "to examine the munitions control organization of the Department of State as a case-study in administration; to evaluate the

purposes and accomplishments of munitions control; and to trace the development of munitions control from 1935 to 1945." He has achieved that purpose with commendable brevity, restraint, objectivity, and precision. A short, compact chapter deals with the background of the regulatory system, primarily from the beginning of this century up to the ratification of the Geneva Arms Traffic Convention of 1925 in 1935 and the adoption of the Joint Resolution of August 31, 1935. Happily, Mr. Stedman puts the hue-and-cry of the Nye investigation into its proper perspective. Similar compact chapters deal, successively, with the administrative machinery established by the neutrality acts, the techniques of registration and licensing and the practice thereunder, the preparation of reports and statistics, enforcement (including supervision), coördination of arms control activities inside the Department of State, and inter-departmental control. Throughout, the analysis is productive of shrewd, practical suggestions for improvement. The relation of an effective system of national control to effective international control is well brought out (pp. 126-128).

The data Mr. Stedman adduces from official documentation supports, in the judgment of the present reviewer, his conclusion: "... To insure good administration in arms control or in any other of its functions, the Department of State must observe the three fundamental principles critically analyzed in this work. These principles are: the harmony of policy-making and operations, the necessity of stability in organization, and the necessity of establishing superior authorities which can and will enforce coördination should policy-making committees be unable to arrive at decisions" (p. 135).

HENRY REIFF.

St. Lawrence University.

A National Policy for the Oil Industry. BY EUGENE V. ROSTOW. (New Haven: Yale University Press. 1948. Pp. xvi, 173. \$2.50.)

This is announced as the first in a series of studies of national policy resulting from a program of research undertaken at Yale University by the departments of economics and political science and the School of Law. An essay rather than a detailed analysis, it summarizes as much of the geological, historical, economic, and legal data as is essential to the discussion of a national oil policy, and no more. Notwithstanding defects discussed below, it is a valuable case-study in public policy.

After presenting an historical and descriptive picture of the organization of the industry, its market structure, and the system of oil law, Professor Rostow analyzes the legal and industrial controls applying to production of crude oil, transportation, refining, and gasoline marketing. He also has a chapter on the foreign oil policy of the United States. His

conclusion is that a relatively small number of major integrated companies exercise effective control, directly or indirectly, over all phases of the industry, and through price leadership and other arrangements minimize competition among themselves. The system of oil law is described as "a fantastic and inordinately complicated patchwork of state and federal regulation, and of industrial self-regulation" (p. xv). The law of capture is conceded to be wasteful, but the author contends that the various state and federal prorationing schemes adopted in the name of conservation have not in fact been conservation measures and have tended to strengthen the monopolistic elements in the industry by limiting production.

The author believes that the present monopolistic organization of the industry is economically wasteful, technologically unnecessary, and socially and politically undesirable. The national policy he proposes rests mainly on two measures. One is a federal statute requiring the operation of all oil fields as units of production. The second is an anti-trust decree dissolving the great companies vertically into separate units controlling production, transportation, refining, and distribution, and providing some further horizontal division of the larger units. Pipe-lines would continue to be regulated by the Interstate Commerce Commission. Other measures recommended include the elimination of tariffs and other restrictions on the importation of petroleum products.

The author's sophisticated analysis of the existing system of legal and industrial controls is in sharp contrast with his readiness to accept at face value the theoretical benefits of competition. One of his major arguments for a competitive organization of the oil industry, and of industry in general, is that it would simplify the task of government. Once the proposed anti-trust decree had been put into effect, "the community could safely rely on the market as its chief agency of economic control," and could therefore "free the industry of special and continuing administrative direction, apart from the vigilant scrutiny of the Anti-Trust Division of the Department of Justice" (p. 123). We are told also that "monopolistic concentration would make direct state controls, and the ultimate socialization of industry, far more likely than a régime of competitive smaller business," and that "government can safely allow it [monopoly] far less freedom than competitive business" (p. xiii). Such statements typify a deep confusion in the competitive ideal. It is a truism that *if* production and prices are competitively determined, the public is protected against monopolistic influences. It is *not* a truism that a competitive organization of industry can be established and maintained by a minimal expenditure of governmental effort. In the light of historical evidence, it can certainly be argued that enforcement of Professor Rostow's blue-print of perfect competition would require a governmental effort of

fully as great magnitude as that required in regulating a monopoly. The effort might be worth while. The reviewer's point is merely that underestimation of the effort required is a disservice both to the cause of competition and to the development of a practicable approach to the study of public policy.

HUGH L. ELSBREE.

*Legislative Reference Service,
Library of Congress.*

- ✓ *The United States and the Caribbean.* BY DEXTER PERKINS. (Cambridge, Mass.: Harvard University Press. 1947. Pp. xxi, 253. \$3.00.)

The first half of this volume describes the life of three island republics of the Caribbean area and six small republics of Central America. The colonies of the Caribbean and the larger continental republics of Mexico, Colombia, and Venezuela are excluded. What gives Professor Perkins' work unity is that he is dealing with the very small near neighbors of the United States in which the doctrine of intervention found its chief application and in which it was found wanting.

The second half of the book describes the abandonment of intervention and the effort of the United States to become a good neighbor, to make its great power palatable to the sensitive peoples of these republics. The author is never backward in awarding praise or blame. The words "right" and "wise" recur in contexts which are normatively ambiguous, but his judgments are even-tempered and restrained. Thus, "The [Haitian] occupation might seek to lay the foundations of economic progress and of ordered peace; but it could by no means guarantee, in twenty years or even in thirty, forty, or fifty years, that on these foundations a democratic government could be built. In the last analysis, the form of a people's institutions must depend upon that people itself; popular rule, by very definition, could not be successfully imposed; were it to come at all, it would have to come by slow evolution. Why, then, in the face of severe criticism both at home and abroad, commit oneself to an endless supervision of the affairs of another state? Why, indeed?" (pp. 144-145). The trouble with intervention apparently is not that it is wicked, but that it is futile.

As for the good neighbor policy, Uncle Sam gets an A for effort, but only a B— for manners. The chapter on "Psychological Background" records the gratuitous gaucheries of irresponsible Americans and the wholly unnecessary resulting wounds to Caribbean sensibilities.

Only in his judgments on American policy during 1933-34 when, with Mr. Sumner Welles in Cuba, that country enjoyed a succession of five governments in less than a year, does Professor Perkins hesitate. United States failure to recognize the régime of Dr. Grau San Martín, present

president of Cuba, may have thwarted for nearly a decade the will of the Cuban people. But the author may perhaps be forgiven for reserving his position on this point, since the editor of the "American Foreign Policy Library," in which this volume appears, is none other than Mr. Welles, whose detailed knowledge of what happened in Cuba is necessarily more complete than that of any college professor.

This is an urbane and readable introduction to the problems of an area whose future well-being depends largely upon a sympathetic understanding of its needs by the government and people of the United States.

WILLIAM T. R. FOX.

Yale University.

Democracy in the Dominions. BY ALEXANDER BRADY. (Toronto: University of Toronto Press. 1947. Pp. vii, 475. \$4.25.)

Those of us who have known for some years of Professor Brady's project of writing a study on Commonwealth governments feel amply rewarded now for our patience. The result of his labors brings together in a single volume not only a compendium of facts but a penetrating consideration of basic problems. It is not a series of unrelated studies of the various dominions, but a comparative treatment of the four major countries which grew to nationhood in the new era of the Commonwealth.

While Keith in his voluminous but oftentimes repetitious writings is inclined to concentrate on constitutional phases, Professor Brady has an appreciation of the internal political and social forces which shaped policies and institutions. In his opening chapter on "Inheritance and Environment," he points out how the expanding frontier common to all of the dominions no less than the United States promoted the development of democratic ideas and structures. But the Commonwealth nations were favored in that their development took place at a time when industrial capitalism brought to the world prosperity and a rising standard of living in which democratic institutions could grow. At the same time, a *pax Britannica* permitted the dominions for the most part to look inward and leave foreign policy to the concern of the Mother Country. However, a point which Mr. Brady does not raise in this connection could be made in that the most marked development in national status and international recognition occurred precisely as a result of the participation of the dominions in foreign affairs brought on by the First World War and its aftermath. As for the first point above, the author indicates that the industrialization upon which capitalistic society is based resulted in the promotion within the dominions of an economy of a collectivist character. Particularly in Australia and New Zealand has public ownership been fostered, and at the same time leadership has been given in the field of social legislation under the aegis of labor governments.

Some variation in chapter headings is to be found in the treatment accorded the various dominions, but basically the same pattern is followed. After giving the setting in its geographical and historical features, the author deals with the constitutional phase as found in federal or unitary structure, then parliamentary institutions are sketched, and finally a chapter on parties follows. In South Africa, special consideration is called for of the problems of race and color and economic and social policies. In distribution of number of pages of text, South Africa, Australia, and Canada, in that order, receive a varying share of the space, with New Zealand approximately half of the space accorded her sister dominion down under. As the bibliography and footnotes indicate, the two senior dominions possess by far the richest resources in political writings. This colors the treatment, for the author is at his best when writing of Canada and Australia. Since Professor Brady is a Canadian, it is not surprising that his problem for that dominion should seem to be one of condensation and selection of the most revelant. Canadian readers can easily fill in the details at which he can only hint. Others may find in Professor Dawson's new study by the same publisher an excellent companion not as conveniently available for the other dominions.

It is interesting that in the treatment of political parties the author appears much more informative and clear in his treatment of the Australian scene than that of Canada—although in the latter case there is a welcome realism in approach. In South Africa, the period covered is of much shorter duration and admits of some detail. New Zealand seems to offer the least.

The civil service, and public administration as a field in general, is nowhere much dealt with, but doubtless this can be explained by the absence of competent studies in the field. It is not to be expected in a general survey of the nature of this book that the author should compile from government documents what should be at hand in the form of preliminary studies. On the subject of civil liberties in Canada, Professor Brady rather delicately skirts the topic; but what he hints at is in great need of an airing.

It would be captious to list omissions of a bibliographical character, and there are a few of obvious titles; but it seems almost difficult to understand how Keith could be so neglected in the footnotes, although of course the slight is repaired in the bibliography. In the matter of footnotes, it is not clear what plan the author is following, for in some cases he goes far afield (e.g., footnote on p. 231), while in another place omitting, for instance, a mention of Rogers' study on the compact theory of Canadian federation. Doubtless Professor Brady wished to spare his readers and his publishers the tedium of lengthy footnotes which his rich scholarship could easily have supplied.

To say that in this volume the author has filled a long-felt need would be trite, but none the less true. It is hoped that it will be an encouragement for further studies of a comparative character, while at the same time it illustrates that within the Commonwealth there is a paucity of institutional studies. Political science as a study apart from theory or constitutional history has been too long neglected in the dominions.

LIONEL H. LAING.

University of Michigan.

✓ *The Government of Canada.* BY R. MACGREGOR DAWSON. (Toronto: University of Toronto Press. 1947. Pp. x, 662. \$5.50.)

This book deserves an outstanding place in its field. In its ample pages the reader will find a comprehensive and well-balanced study of the Canadian federal government in its evolution and organization, with special attention to such matters as legislative procedure, administrative practice, and the party system, all of which have been rather too sketchily covered in earlier writings on Canadian governmental affairs.

Beginning with a chapter on the constitutional background, there is an excellent survey of the events leading to the confederation of the provinces in 1867. The proceedings of the Quebec Conference, at which the organization and powers of the new federal government were agreed upon, are clearly and accurately outlined. Professor Dawson quite rightly portrays Macdonald as the James Madison of this conference, crediting to his influence the adoption of such constitutional landmarks as the appointment of the provincial lieutenant-governors by the federal authorities, the right of the latter to disallow provincial legislation, and the bestowal of all residual powers on the federal rather than on the provincial governments. It might well have been mentioned, however, that Alexander Hamilton, eighty years previously, had submitted a quite similar trilogy of propositions in his rejected "Draft of a Constitution for the United States." Macdonald was familiar with Hamilton's draft and in all likelihood was considerably influenced by it.

While there are initial chapters on dominion status and on the nature of the Canadian constitution, together with a survey of its development during the past eighty years, the main body of the book is devoted to a systematic and accurate description of the executive, administrative, legislative, and judicial branches of Canada's federal government. Both principles and practice are carefully explained, with occasional comments on the weaknesses of the system as the author sees them. A noteworthy feature of the volume is its elaborate discussion of the Canadian civil service, a topic on which the author wrote a comprehensive monograph several years ago. The chapters on party organization and party activities also bring together much significant material which cannot be found in

any other book. While comparisons and contrasts with the party system in the United States are suggested occasionally, there might well have been more of them—for example, in such matters as the national and provincial party conventions, the framing of party platforms, the distribution of political patronage, the limitation of campaign expenditures, and the extent of the spoils system in the two countries. The similarities are greater than most students of comparative government realize.

The author makes allusion to the continued interest of Canadians in the trappings of vice-royalty. The President of the United States, he remarks, is required to spend a great deal of time and effort in giving ceremonial addresses; but in Canada this function is largely assumed by the governor-general, who has little else to do, thus relieving the prime minister of a time-consuming chore. And, strangely enough, most people prefer to hear the former, who has no political authority, thus disclosing what the author terms "a preference so bizarre that its elucidation must be left to the ingenuity of the social psychologist" (p. 185).

An important shortcoming of the book is its failure to include any account of either provincial or local government in Canada. There is a discussion of the financial relations between the federal and provincial governments, as well as occasional comments on provincial and local problems, but no one would learn from this book how these subordinate governments are organized, what they do, and how they do it.

Within the limits which he set for himself, however, Professor Dawson has done a remarkable job. He has combined historical background, a description of governmental forms, and explanations of current political practice in excellent proportions. Throughout the book there is evidence that the author is well versed in the philosophy of government and has also made himself familiar with the perplexing array of judicial decisions on constitutional issues. On controversial questions, he deftly avoids any display of partisanship, leaving the reader to form his own judgment from the elaborate and authoritative data which the book provides. References to the author's sources of information are fully and carefully given; they cut a wide swath through the whole domain of Canadian history, jurisprudence, and politics.

One of the most praiseworthy features of this sturdy book, moreover, stems from Professor Dawson's kindly wit and dependable sense of humor. These have enabled him to lighten the specific gravity of even his most erudite pages.

WILLIAM B. MUNRO.

Pasadena, California.

✓ *What Parliament Is and Does; Being an Introduction to Parliamentary Government in the United Kingdom.* BY LORD HEMINGFORD. (Cam-

bridge: At the University Press. New York: The Macmillan Company. 1947. Pp. viii, 117. \$2.00.)

For many years, Sir Dennis Herbert was Chairman of Committees and Deputy Speaker of the House of Commons. Now, after his removal to "another place" as Lord Hemingford, he has written a little book on the procedure of the English Parliament, a task for which he is thoroughly qualified. The book is written for students, and gives a simple and lucid description of one of the difficult and important areas of English government. Sir Erskine May's great handbook and the briefer *Introduction to the Procedure of the House of Commons*, by Sir Gilbert Campion, the present Clerk of the House, are both understood with difficulty even by the initiated. Lord Hemingford, without sacrificing accuracy, has made the subject clear and comprehensible.

The author describes the organization of the two houses, their officers, and their relation to ministers. He explains how bills are introduced and carried through the House of Commons, and describes the committee system. He has a chapter on finance. He discusses the important points of parliamentary procedure, including the conduct of debate, questions, the closure, and the practices determining the position of the member. No one previously has made House of Commons procedure so easy to understand. Despite many years of committees on the reform of parliamentary procedure, and the Labour party's occasional impatience with ancient forms, no essential change in procedure has resulted from the general election of 1945. As Lord Hemingford points out, standing committees are used more constantly, and the opportunities for private members' business have been suspended. These things are not revolutionary; they are hardly exceptional. Otherwise, things go on much as before.

EUGENE P. CHASE.

Lafayette College.

✓ *Postwar Governments of the Far East*. EDITED BY TAYLOR COLE AND JOHN H. HALLOWELL. (Gainesville, Fla.: Kallman Publishing Company. 1947. Pp. 271. \$1.75.)

The editors of the *Journal of Politics* have aided materially in filling a large gap in our information on and understanding of Far Eastern politics by providing this excellent symposium of twelve essays. Written by men of recent experience as advisers, administrators, or observers of government in the areas respectively assigned, the symposium is composed of an introductory essay on background and trends, three essays on China, and one each on Japan, the Soviet Far East, Korea, the Netherlands East Indies, India, British Southeast Asia, the Philippines, and French Indo-China.

Professor Paul H. Clyde's characterization of the traditional ideas of

Far Eastern cultures is penetrating and helpful to consideration of the great problems that beset any Western program of rapid democratization. His insistence that Asiatic politics must and will determine their own destinies points to the essential but as yet ungrasped principle of East-West relationships. Professor Chen Chih-mai contributes a clear but uncritical description of the now constitutionally ordained Chinese system of government. He does not attempt to explain actual procedures nor to estimate the prospects of constitutionalism. Professor Paul M. A. Linebarger delineates with originality and provocative comment the international as well as the domestic forces in China's postwar politics. His résumé and critique of the Marshall mission are masterly; his optimism as to the prospects for democracy is welcome. One may question his statements that if there is a state in China, "Chiang is the lawful commander-in-chief," that Chiang "is obsessed with the idea of democracy," and that "the Generalissimo regained in China, through Americans, a tiny fraction of what he lost in Manchuria to Russians." Mr. Michael Lindsay deals more fully and specifically with government in the Communist areas, devoting himself particularly to explaining the position of the leaders during the period of negotiations with the Kuomintang. He sees both the political and the land program as reflective of practical considerations rather than strict Marxian principles, but as tending to greater extremism because of the Kuomintang's failure to meet reasonable conditions for a coalition régime. "Unless American intervention prolongs the civil war indefinitely," he writes, "the most probable outcome is some kind of agreement when it finally becomes clear to the Kuomintang that the ultimate conclusion of the civil war will be military defeat."

For a well-balanced and well-informed profile of postwar developments in Japan, Professor John W. Masland's chapter is not likely to be excelled. He stresses the uncertainties latent in the occupational program of imposed constitutional and legal reform, accompanied by apprehension over labor's rising self-consciousness and by complacency toward bureaucratism. Professor John N. Hazard's contribution is a concise but comprehensive survey of the Russian political organization for Siberia, treaty position in Outer Mongolia, Manchuria, Korea, and Japan, and tenets of immediate and long-range policy, presented without evaluation but with clarity and understanding. Professor George M. McCune's exposé of Korean, American, and Russian ineptitude admirably and critically describes the tangled skein of Korean politics. It suggests rather than affirms the conclusion that leftism rather than evolutionary liberalism would succeed Japanese imperialism were American and Russian forces to be withdrawn.

Professor H. Arthur Steiner contributes a very substantial study of the birth-pangs and tentative structure of the Indonesian Republic, the

efforts of the Netherlands to devise a new formula of empire, and the unique union which has been agreed upon, but which awaits progress toward consummation. Within the forty pages allotted to him, Professor Winston W. Ehrmann has been able to preface his thorough analysis of recent political development in India with relevant geographical data. Compactly written and illustrated with an outline map, this chapter is at once a valuable guide to Asia's most complex congeries of political problems and an expression of the physical and cultural resources through which India may realize her potential greatness. Mr. H. Duncan Hall's account of the extension of parliamentarism and self-government in Ceylon, Burma, and Malaya, which he views with combined sympathy and concern, rounds out the treatment of British colonial areas. Professor Harold M. Vinacke deals with the restoration in the Philippines, expressing well-justified criticism of American failure to redeem war-time promises of economic restoration and willingness to assist to power collaborationists with the Japanese. The symposium is concluded with Professor Charles A. Micaud's essay on Indo-China, which maintains the uniformly high standard of the whole.

Area studies will be the principal beneficiaries of this useful collection, which is welcome evidence of the increasing interest and the expansion of scholarship in that field.

HAROLD S. QUIGLEY.

University of Minnesota.

✓ *Recognition in International Law.* BY H. LAUTERPACHT. (Cambridge: At the University Press. 1947. Pp. vii, 442. 25s.)

The Anglo-American literature has needed a comprehensive monograph on recognition for a long time. It is fortunate that as competent an author as the Whewell Professor of International Law of Cambridge University has undertaken this task. His book is divided into four parts dealing with the three most important instances of recognition, viz., that of states, of governments, and of belligerency and insurgency, and, in addition, special problems of recognition. Anyone familiar with the writings of Professor Lauterpacht will expect a somewhat formal if not formalistic approach, and a reading of the book will not disappoint him in that respect. The author considers international law a "science" and endeavors to develop a general legal theory of recognition which, if properly analyzed "by reference to a jurisprudential principle of order," consistently explains all of its types and forms (p. 3).

Professor Lauterpacht is basically an adherent of Kelsen's monistic theory, as he himself clearly states (p. 172), but he has travelled a good deal from the "pure" theory by acknowledging the "sociological basis" of the legal system and admitting the "law-creating influence of facts"

(p. 427). This is, of course, nothing but the celebrated "normative Kraft des Faktischen" of Georg Jellinek, *Allgemeine Staatslehre* (2d ed., 1905), 330, to whom—quite unjustly—no credit is given. However, in defining the field of inquiry of the student of international law, Professor Lauterpacht still wears the blinders of the Viennese school: "The lawyer abandons his legitimate province once he begins to probe into the motives which have induced governments to express their obligation to act upon a legal rule. Such realism may be appropriate for the historian and sociologist" (p. 25).

Part I, dealing with the recognition of states, is almost entirely devoted to the character of recognition, and lays the ground-work for the whole subsequent discussion. The author envisages recognition as a *unilateral* act of *legal* nature which is *constitutive*, as between the recognizing state and the community so recognized, of international rights and duties associated with full statehood. The view that recognition has only political character or is merely declaratory is repudiated. Premature recognition and failure to accord recognition are both revealed as violations of international law. The argument that the constitutive view excludes any legal duty by a state to a new community before its recognition is answered by the slightly sophistic explanation that this duty is owed, not to the new state, but to the international community as such. This is, of course, Jellinek's old doctrine of "right by reflection" (*Reflex-recht*) (op. cit. *supra*, at page 404); and again we miss the proper reference.

Recognition of new governments, according to the author, is essentially of the same character as that of new states. The chief difference consists in the fact that it is not constitutive of the existence of legal rights and duties, but only of the *capacity* of the new government to represent legally its state *vis-à-vis* the recognizing state. Again international law fixes the conditions which must concur in order that recognition be not premature but legally owed. The author admits frankly that the practice of both Great Britain and the United States has not predicated recognition in all cases upon the compliance with identical conditions, but he explains this fact as "a temporary adaptation to a transient period of political retrogression" (p. 139).

The third part deals with the recognition of belligerency and insurgency. Four conditions must concur: an armed conflict of general character, administration by the insurgents of a substantial portion of the national territory, conduct of hostilities in an organized fashion pursuant to the rules of warfare, and the necessity for outside powers to define their position (p. 176). If these conditions are not present, recognition is illegal and premature; otherwise it is owed as a legal duty. Recognition of insurgency, according to the author, has a positive and a negative aspect. It implies that the insurgent forces have not the status of belligerents, but have ob-

tained a position which compels foreign powers to deal with them as an international personality on a limited basis. Unrecognized insurgents are not, however, for that reason *alone*, pirates.

The last part deals with three important problems flowing from the acceptance of recognition as a legal institution, namely, *de facto* recognition, implied recognition, and non-recognition. These sections are probably the most interesting portions of the book. The legal consequences of *de jure* recognition of one government and *de facto* recognition of another has exposed domestic courts to harassing questions, particularly in the field of sovereign immunity of vessels. Although the author devotes some space to the problem (pp. 343 ff.), his treatment is rather sketchy. The reviewer is disappointed not to find any reference to his own study of the subject in 25 *Minn. L. Rev.* 1 (1940), but is comforted by the fact that the author has also deemed such important monographs as Padelford's *International Law and Diplomacy in the Spanish Civil Strife* (1939) to be unworthy of reference.

The book is undoubtedly a very important contribution to international law. Its chief weaknesses are the somewhat unfair selectivity in respect to the works of other authors and the emphasis on conceptualism which slights both the profound changes in the international society and the political forces which steadily change the texture of the legal fabric. But with the basic analysis the reviewer is in full agreement, and he wishes to congratulate Professor Lauterpacht for having succeeded in bringing some of the most intricate institutions of international law upon a sound legal common denominator.

S. A. RIESENFELD.

University of Minnesota
Law School.

Atomic Energy; Its International Implications. BY THE ATOMIC ENERGY STUDY GROUP OF THE ROYAL INSTITUTE OF INTERNATIONAL AFFAIRS (London and New York: Royal Institute of International Affairs. 1948. Pp. 128. 4s).

In September, 1946, the Council of the Royal Institute of International Affairs appointed an Atomic Energy Study Group, under the chairmanship of Sir Henry Dale. The present interim report comprises a series of papers discussed by the Group. No attempt is made to reach joint conclusions, and very little consideration is given to the situation which would arise if international control of atomic energy proved unattainable. Subject to these limitations, the report is an admirable popular summary of the major aspects of the subject.

Special credit should be given to Dr. H. E. Wimperis, who, as *rappor-teur* of the Study Group, prepared these essays for publication. Dr.

Wimperis's analysis of *World Power and Atomic Energy*, published two years ago, is still an important background treatise, and his three contributions to the present report are especially penetrating. It is well to bear in mind his warning that if the bomb is used, "we should have to rely chiefly on our striking power for defense," and that "whatever the shape and composition of the offensive force, it would have to be ready from the word 'go'" (p. 55). In discussing "the problem of reducing vulnerability to atomic bombs," to use Ansley J. Coale's phrase, Dr. Wimperis reaches the sane conclusion that while dispersion is theoretically the answer, "an intelligent compromise" must be made "between the ideal requirements of defense and those of social and industrial progress" (p. 59).

In general, the members of the Study Group are agreed that the implications of the atomic bomb call for a complete rethinking of the problems of national security and international organization, and that "the greatest risk is to do nothing" (p. 91). Yet Lord Hankey, in the final paper of the report, strikes a curious and jarring note, maintaining that all plans for the international control of atomic energy are unsatisfactory "from a human point of view," that sanctions must be omitted from any feasible plan, and that "on the whole, any plan of control seems likely to place a premium on unscrupulousness, to increase international friction, and the danger of war" (p. 122). Coming from the distinguished former chairman of the Scientific Advisory Committee of the British War Cabinet, these opinions call for amplification.

NORMAN D. PALMER.

University of Pennsylvania.

The End of an Epoch; Reflections on Contemporary History. BY A. L. ROWSE. (London: Macmillan and Co., Ltd. 1948. Pp. viii, 324. \$4.50.)

Mr. Rowse has collected in this book what he considers his best political essays of the period from 1929 to 1946. The selections, many of which are extensive book reviews, range widely over European politics; the author's opinions are strongly expressed, and generally though not uncritically oriented toward the Labor party.

By its very nature, the book lacks continuity, but the subjects tend to concentrate in certain fields. Several of the essays deal with internal British politics, including those on the relationship of the Church of England to the state, reflections on Lord Baldwin, the political prospects of the Labor party in 1937, and the problem of the inefficiencies of the higher British civil service in World War II. In the field of British foreign policy, the author interprets the balance of power tradition and comments on the Munich crisis as the end of an epoch noted for Conservative fumbling. Several vital European problems are dealt with, among them the behavior of Germany, the failure of the Third French Republic, and the

effects of Soviet Communism on Europe. Another series of essays deals with such important questions of political theory as the reconciliation of individual liberty and the necessity for political organization, the possibility of the existence of political equality without economic equality, and methods of obtaining firm leadership in a democracy.

Though the subjects are miscellaneous, the author's viewpoint remains clear and generally consistent. He writes as an intellectual to other intellectuals, because he believes that it is the duty of the educated man to lead his fellowmen. The essays, therefore, assume that the reader knows the basic facts which the author undertakes to illuminate from the standpoint of an historian whose interest is in the principles of which the facts are but examples. Although the interpretation of events is often Marxian, Mr. Rowse does not belong to the school which has replaced the Bible with the writings of Marx and Lenin.

The author's style is sprightly, at times sprinkled with slang, and illuminated with a wealth of historical allusion. He is not sparing in the use of hyperbole, particularly in characterizing those with whom he disagrees. For example, he calls the Independent Labor Party idiots (p. 6). Mr. Stanley Baldwin was "an inferior man, and that appealed to the great mass of inferior people who are the electorate" (p. 80). He speaks of "foolish old Carlyle" who made a hero out of the violent Prussian, Frederick the Great (p. 184). The lively emotion often involved in the writing stirs in the reader equally lively reactions, so that the volume is stimulating indeed.

Because of the accuracy of the prevision, the breadth of scholarship from which the judgments are made, the magnitude of the problems undertaken, as well as for the provocative style, these essays were well worth gathering into book form.

EDWARD G. LEWIS.

University of Texas.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

Only recently has the Princeton University Press published for the University of Cincinnati *Trouble Spots in Taxation*, by Harold M. Groves, of the University of Wisconsin. This little volume of 105 pages (\$2.00) contains five provocative and interesting essays which were delivered in 1946 as the first in a projected series of lectures made possible by the Charles Phelps Taft Memorial Fund of the University of Cincinnati. The subjects of the essays are: "Taxation and Equality," "The Place of Government in the Scheme of Things," "The Future Rôle of the Net Income Tax," "Income versus Property Taxes for State and Local Governments,"

and "Unity versus Diversity in Taxation." The subtitle, *Essays in the Philosophy of Taxation and Other Public Finance Problems*, is much more indicative of the character of most of these papers than is the main title. But the unsuspecting reader who selects the book because it comes from Princeton will be surprised less because the contents diverge from what the title led him to expect than by the fact that the proposals advanced diverge much more from the public and private finance doctrines that have been flowing from the halls of Old Nassau during recent years. Harold Groves is distinctly not a Princetonian, a conservative, or an income-tax hater. Rather, he and his essays breathe forth the economic and political atmosphere of Wisconsin. He is an innovator, a "pragmatic" experimenter, and admits having "an itch to make the world over." Though he does not advocate any *single* tax, nevertheless he does put the personal income tax on the highest pedestal. Even the idiom of these essays is almost as characteristic of Wisconsin as is the cheese of that state. "Taxation," he says when discussing incentives, "is like dairy farming, not meat production; good husbandry builds up the herd. Taxation does milk the cows of private enterprise, but it should draw the line at killing off the animals." Though Groves is rather friendly to the Keynesians, he does not go so far as the extremists who say: "The purpose of taxation is never to raise money but to leave less in the hands of the taxpayer. The government can raise all of the money it needs by printing it if the raising of money is the only consideration." These essays contain little that Groves and others have not said elsewhere, but they are well designed to stimulate more fundamental thinking on the part of public-spirited laymen and others who know something of public finance, but who as yet have little real appreciation of its relation to the well-being and progress of present-day society.—ROY G. BLAKEY.

In *How Shall We Pay For Education?* (Harper, 1948, pp. x, 214, \$3.00), Professor Seymour E. Harris makes clear that what President Cleveland trenchantly remarked about the tariff surplus is equally true of education in 1948—namely, that we are confronted with a fact, not a theory. The basic fact which this Harvard economist presents is that there is a "crisis in education." Subsidiary matters considered in this well documented, yet most readable, study are (1) inflation, (2) supply and demand for teachers and educated men and women, (3) sources of educational funds, (4) special financial problems of institutions of higher learning, and (5) problems relating to tuition and salaries. The broad, general conclusions of the author are that (1) inflation is the main economic threat to the educational system, (2) the case for federal aid is very strong, (3) institutions of higher learning also need federal aid, (4) tuition fees should not be increased, and (5) some answer must be made to the problems of teach-

ers' salaries and the exodus of teachers from the profession. As is the case in any study which proceeds from fact to advocacy, there are certain general assumptions—which are not always as well brought out as the statistical data—underlying the above conclusions. Most of these assumptions relate to the nature of a democratic society. For instance, Mr. Harris thinks, and most of us would probably agree, that education should not be the prerogative of those born into the higher income groups. A few conclusions relate to this sort of assumption, namely: "It is time that the public chose to accept its [economic] gains increasingly in leisure and education." Finally, there are a few assumptions on, for instance, the place teachers ought to have in the hierarchies of organized effort. One cannot help concluding from the evidence presented that, regardless of theories that the federal government ought not to get into educational aid, there is little hope under present economic conditions that private and local agencies can by themselves handle the problem of rising educational costs and increasing student loads. It is Mr. Harris' contribution to make clear that in education we are really at this moment confronted with a set of facts, not theories. Too much cannot be said for the author's technique of presenting his great mass of data. Would that more social scientists would be equally considerate of their readers!—PAUL P. VAN RIPER.

- ✓ In his *The Philippine Story* (Farrar, Straus, and Co., 1947, pp. xii, 276, \$3.75), David Bernstein has presented the viewpoint of a man who, as general political adviser to President Manuel Quezon in exile, had an excellent insight into Philippine affairs. Mr. Bernstein gives us a clear exposition of the peoples and resources of the archipelago, and shows the difficulties ahead of the nation if it is to achieve real independence. Beginning with the Spanish control, the author traces the growth of opposition to the alien and the rise of an independence movement. The American decision to control the Islands and to grant eventual independence was a bitter pill for many of the Filipinos. The story of our efforts to educate the people and make them a modern nation is well told, as is the account of our rather selfish reasons for finally granting independence—on our own terms. It is significant that of all the subject Oriental peoples only the Filipinos had access to the thought of the West through extensive education, and that they alone stood by their erstwhile masters in time of need, even at the cost of life and liberty. The United States promised to return to the Islands after the fall of Corregidor, and did so; but Mr. Bernstein raises the question of our making good on the further promises of restoration. Because of the pressure of our military men, we have forced collaborators into high government positions and have held off our real friends. We are restoring economic power to the few individuals who were in control before the war, and are helping in the re-creation of the one- or

two-crop economy that formerly brought so much difficulty to the Islands. The author strongly hints that if we fumble too much there is another power which will be able to step in, to the detriment of the Filipinos and of the world. In his characterization of the native leaders of the Islands, Mr. Bernstein presents a picture of kindly men on one side and scheming opportunists on the other. We see Quezon leading the opposition to the first independence bill because it was brought back by Osmeña. Quezon then goes to Washington and gets a bill that is no better and pushes it through. It is now his bill and he gets the prestige. Great events hinge on the petty actions of men, great and small. Well written and easy reading, the book deserves wide circulation—ANDREW E. NUQUIST.

Filled with hard sense, judiciously-chosen quotations, and sound technical analysis and information, *American Municipal Government and Administration* (D. C. Heath and Co., 1948, pp. ix, 630, \$4.25), by Stuart A. MacCorkle, comprises the fruit of ten years of study by the director of the Bureau of Municipal Research at the University of Texas. Those who examine it expecting it to have been written on the assumption that Texas itself constitutes the larger part of the United States are certain to be disappointed. The volume lives up to its name very well; it offers a general survey of problems in municipal government and administration as they arise throughout the country. Evidently written on the valid theory that a single semester course in both city politics and administration is all that it is feasible for most colleges or universities to offer, MacCorkle's treatise will have deservedly wide appeal as a text for such courses regardless of where they are given. Illustrative of the insights which give the book its merits are the author's assertion (p. 104): "Of all the factors making for good or bad municipal government, not one is so important as the municipal electorate itself"; and his reminder (p. 150): "It is to be remembered that for each official who may be 'fixed,' there is many a common citizen who would attempt to 'fix' him." Of the very few blemishes the reviewer noted, the only one worth mentioning is the reference to public utilities as natural monopolies "by virtue of certain privileges granted by some governmental agency" (p. 552) rather than by virtue of the character of the service they render or the physical materials or facilities on which they are based. The treatment of municipal personnel and finance and of planning and zoning are notably adequate and valuable, and there is a fine concluding chapter on "Reporting to the Public." One of the most rewarding features of the volume comes at the very close—in an end paper consisting of a map of the United States with the areas of states and cities purposely drawn in proportion to size and with no regard to geographic shape. Needless to say, this underscores the urbanization of American life as no other map possibly could.—JOHN A. VIEG.

The Disruption of American Democracy (Macmillan Co., 1948, pp. 612, \$7.50), by Roy Franklin Nichols, offers an analysis of the forces which produced the Civil War, developed in line with the William A. Dunning tradition. In effect, it is a continuation of the author's earlier study, *The Democratic Machine, 1850-1854*. In the present book, the author submits the thesis that the conflict was inevitable for two fundamental reasons. One was the contest for control of the federal government between the political leaders of the North and the South during the decade preceding hostilities. Through the Democratic party, the South had controlled the government almost continuously since the days of Thomas Jefferson. Now, Democrats of the North opposed Democrats of the South. Hence the cohesive function of political parties to bind together sections and groups was torn asunder. The cleavage of the party by this sectional struggle provided a victory for the Republicans in 1860. The hegemony of the South was broken. Unable to accept defeat and the loss of power, the Southern leaders organized a revolt. Thus for the first time in American history a section of the people refused to abide by the results of a national election. American democracy was disrupted. The second fundamental reason for the inevitability of the conflict, according to the author, was the constant agitation between different mores and the natural "confusion of a growing state." This kept the two sections in a condition of "hyper-emotionalism." Antagonisms bred tensions. The nation became a house divided. Southern statesmen were too intent on the struggle of power to solve the problems of social reconstruction. In the words of Professor Nichols, "The breakup of the Democratic party and the beginning of armed conflict were almost simultaneous; they were intimately related phenomena. The shattering of the party of Jackson was the bursting of a dike which unloosed an engulfing flood." The thesis of the book is not new; but it is ably and attractively presented.—MARY EARHART DILLON.

An addition to the rapidly growing list of new textbooks and aids for use in introductory courses in political science is *Basic Issues in American Democracy*, (Appleton-Century-Crofts, 1948, pp. xiv, 323, \$2.40), by Hillman W. Bishop and Samuel Hendel. This is a collection of fifty-seven selections from various sources, grouped under five major headings entitled, respectively, "The 'Science' of Politics," "Democracy in a Changing World," "The Living Constitution," "Some Problems of Political Control," and "Some Problems of American Foreign Policy." Emphasis is placed on writings of contemporary thinkers and commentators, but selections are also included from the *Federalist*, significant Supreme Court opinions, and some of the nineteenth-century political philosophers. Short explanatory notes by the compilers introduce the student to the series of readings on each major topic or problem. The selections have

been chosen so as to present opposing, or, at any rate varied, points of view on controversial subjects by outstanding authorities. Some teachers will feel, no doubt, that certain issues they consider to be "basic" have not been touched. Few, however, will question the propriety of including under this heading each of the problems chosen for consideration. Since the emphasis is upon political theory and philosophy, intellectually immature college students may find some of the selections rather hard going. Nevertheless, this collection of readings should prove stimulating, provocative, and educational in the truest sense. It will certainly induce in students a fuller appreciation of some of the underlying, persistent problems of government.—JOSEPH E. KALLENBACH.

In January, 1947, and again in January, 1948, the President made regular economic reports required by the Employment Act of 1946. In July, 1947, a special interim report was made. These, together with an introduction by the Council of Economic Advisers and the text of the Employment Act, are reprinted for handy reference in *The Economic Reports of the President* (Reynal and Hitchcock, 1948, pp. 171, \$2.50). These state papers are loaded with explosives. They contain the nation's economic budget, analysis of production, income, prices, wages, taxes, expenditures, purchasing power, profits, and other factors affecting the economy. Both short- and long-range objectives are discussed with surprising candor. For economic treatises, the reports are concise, interestingly written, and easily read. Statistics are portrayed in charts, tables, and appendices. All three reports are concerned primarily with the problem of inflation. Many will dissent from the wisdom of specific recommendations, but all will acclaim the reports' careful and skilful preparation and welcome the factual data and analysis. Nevertheless, a careful reading of the reports makes one painfully aware of the Employment Act's limitations. The Council of Economic Advisers can assemble data and write reports; it can advise the President, and through him Congress and the people; but it is so lacking in authority, personnel, and appropriations that its primary objective—full employment—may well prove illusory. Be that as it may, the publishers are to be congratulated upon making these materials promptly and easily accessible.—JOHN H. FERGUSON.

In his *Bourke Cockran; A Free Lance in American Politics* (Scribner's, 1948, pp. xv, 361, \$3.50), James McGurkin provides a long-needed biography of the man who Winston Churchill in 1906 said was the "biggest and most original mind I have ever met." If the reader can suppress his impatience with the strongly adulatory character of the volume, he will find it useful, informative, and intriguing. The book deserves a place on the reference list for courses in political leadership and politics. As a por-

trayal of the career of an independent Democrat who frequently opposed Tammany's bosses, and who bolted his party in two national elections (1896 and 1912) because of sincere adherence to principle, the book makes inspiring reading. Appropriately, a great portion of the biography is devoted to Cockran's oratorical achievements in Congress, at Democratic national conventions, and during campaigns. Liberal citations of his speeches against imperialism, high tariffs, silver money, boss rule, and prohibition, and for Irish home rule, disarmament, and Tom Mooney provide fairly convincing evidence of why both Presidents Taft and Theodore Roosevelt characterized Cockran's oratory as "one of the greatest of all time." McGurkin's study contains much interesting material on New York City and national politics from 1880 to 1920. The accounts of the mood of several Democratic national conventions and of certain sessions of Congress are better and more informative than those dealing with New York City politics. In view of the political skill, indomitable courage, sincere liberalism, and oratorical powers attributed by the author to his subject, the reader wonders why Cockran failed to achieve the national recognition of Norris or LaFollette. As presented, the silver-tongued Irishman appears more able than the two Progressives. To the political scientist, the greatest weakness of the work is the lack of explanation of Cockran's failure to reach greater heights. Although none of the scores of quotations are footnoted, a useful bibliography has been appended.—HUGH A. BONE.

No little attention is given to politics and political issues in or about the Tennessee Valley by Donald Davidson in *The Tennessee*, Vol. II: *The New River: Civil War to TVA* (Rinehart and Co., 1948, pp. viii, 377, \$3.50). The author of this work in the "Rivers of America" series writes with the effectiveness of a Francis Parkman, especially in covering the old steamboat days and the Civil War period. He has searched carefully for original sources and attained a high degree of factual accuracy. As he moves toward the contemporary scene, he reflects the pessimism of a Henry Adams over modern trends and industrial society, with the added complex of a Southern literary agrarian of deep convictions. Despite his factual correctness, his interpretation of TVA must itself be interpreted in the light of his skeptical complexes and reflexes. He omits favorable facts about the late Senator Norris and unfavorable facts about Senator McKellar. He shows sympathy for Arthur Morgan in that gentleman's fight with David Lilienthal and H. A. Morgan over TVA policy. He quotes approvingly from Justice McReynold's dissent in one of the TVA cases. One might challenge his assumption that the Scopes evolution trial and the Scottsboro cases had much to do with making TVA development a grand valley uplift movement instead of just a river improvement proj-

ect. His comparison of Gordon Clapp, TVA chairman, to a king of the Middle Ages, with subjects who could do nothing about his rule, could be questioned on the basis of Davidson's own facts. His book is an honest and biased criticism of "progress" (Davidson's quotes).—H. C. NIXON.

Professor H. S. Commager has prepared another edition of De Tocqueville, *Democracy in America* (Oxford University Press, 1947, pp. xxii, 513, \$1.75), as an integral part of the publisher's series of Galaxy Edition of World's Classics. The result is still one more abbreviation and abridgment based upon the two-volume translation by Reeve. The chief objective, of course, has been to make more readily available the meat of De Tocqueville, and to cut away the portions which, by reason of obsolescence or concern with such matters as scenery, are not felt to be essential to an understanding of the classic pages of the author. Obviously, the content is still that of the great Frenchman; the selection of that which is judged to be vital and essential for today is patently Commager. Unless one wants to take on the shade of the basic author and question the content which he gave to his work over a century ago, attention must be confined to a verdict as to the usefulness of the current volume. Commager appears to have done a careful job—even a sympathetic and understanding one, since a sense of comprehension of and even affection for the thought of the work with which he deals has infused his prefatory essay. Certainly here is a handy, compressed edition which it is hoped will turn more scholars and students to the pages of a master.—CHARLES W. SHULL.

In a new edition of John H. Williams, *Post War Monetary Plans* (Knopf, 1947, 3rd ed., pp. cxxxvi, 312, \$3.50), substantial additions are made to the earlier papers. The author's well known attack on the premises of the International Monetary Fund is brought up to date through additional papers, and an appendix adds his testimony before the Senate Committee on Banking and Currency. He has added chapters on the proposed ITO, trading between planned economies, and the economic lessons of two world wars. As one expects from Professor Williams, the papers contain much good sense and advice. Not the least attractive feature of the entire set is the sense of obligation on the part of the expert to contribute to the general understanding of the problems involved in international finance and to contribute to the public debate on important issues of public policy. Collection of the papers into a single volume has been a useful public service. It is a pleasure to be able to add that economics and public policy are united in a happy combination.—CHARLES B. HAGAN.

A Critical Appraisal of University Bureaus of Public Administration (Bureau of Public Administration, University of Virginia, 1948, pp. v,

55) is a collection of six papers, presented at the December 29, 1946, meeting of the American Political Science Association by Messrs. George W. Spicer, Harvey Walker, George A. Graham, Lawrence L. Durisch, Orin F. Nolting, and Joseph Pois. Although all of the contributors pay compliments to the bureaus, perhaps the principal theme of the symposium is that the time has come for the bureaus to "raise sights and aim for bigger game" (Spicer). While the collaborators do not wish to belittle the value of many of the compilations of information which the bureaus make available to government officials, they believe that there is need for pioneer studies of broad subjects such as the "problems revolving around relations between different levels of management" or the achievements of state administrative reorganizations. Some of the weaknesses thought to exist in the bureaus are their failure to mobilize the full resources of an entire university in dealing with the problems of governmental units, their lack of emphasis on informing citizens about the problems of state and local government, and their tendency to prescribe stereotyped remedies indiscriminately as panaceas for the ills of government units. Several of the contributors realistically take note of the paucity of funds that many bureaus must face.—M. NELSON McGEARY.

A very elementary analysis of the various stages in the enactment of legislation is set forth by George H. E. Smith and Floyd M. Riddick in a pamphlet entitled *Congress in Action* (National Capitol Publishers, Inc., P.O. Box 7706, Washington 4, D. C., 1948, pp. 87). In addition to the narrative, there are many drawings illustrating how a bill becomes a law. The art work is uninspired. There are also instructions as to how a group can act out the business of Congress in play form, including a cast of characters, stage directions, and sample bits of dialogue. The pamphlet may be useful for high-school students.—DAVID FELLMAN.

FOREIGN AND COMPARATIVE GOVERNMENT

A new study, *The Government of the Netherlands* (Bureau of Government Research, University of Kentucky, 1947, pp. 150), by Amry Vandebosch and Samuel J. Eldersveld, is welcome in spite of its brevity (95 pages of text, plus 10 for Indonesia, and the appended and long-needed translation of the Netherlands constitution by Professor Vandebosch, together with the text of the Netherlands-Indonesian Agreement). Professor Vandebosch writes clearly and interestingly about the constitution, monarchy, political institutions, provincial and municipal government, and political reconstruction in the Empire, happily combining his discussion of the provisions of the written constitution with the practices of political life. His longest, and in some ways most instructive, chapter deals with the "Formulation and Control of Foreign Policy." The docu-

mentation is based on Dutch sources—documents and commentaries—but is less extensive for some chapters than for others. A valuable feature of the study is the author's frequent references to the critical evaluation of governmental features by Dutch scholars and political leaders, although the reader may wish to know more about the author's own conclusions and judgments. The smallness of the book leaves significant lacunæ, such as a badly needed systematic treatment of political parties and programs, which are referred to only incidentally in relation to certain problems of government. Professor Eldersveld's chapter on "Trends in Government and Politics Since Liberation" incorporates, with slight changes, the material included in his chapter with a similar heading in James K. Pollock's *Change and Crisis in European Government*. It is lucid and most helpful on recent developments, including party alignments, set in their wartime background. It is to be regretted that the book has no index.—JOHN BROWN MASON.

The new Town and County Hall Series, which the Macmillan Company is publishing in the United States on behalf of George Allen and Unwin, has been enlarged by the addition of Mr. Norman Wilson's *Municipal Health Services* (1947, pp. 178, \$1.75). This little book concentrates on the personal health services, to the exclusion of environmental hygiene. Its first half consists of a description of services rendered, and is partly a summary of laws, partly an analysis of current practice in the author's part of England, and partly a statement of standards of good practice. In the latter half of the book, the author, who is lecturer in public administration at the University of Liverpool, comes into his own, with a penetrating analysis of pre-1945 administrative machinery and a strong plea for an integrated health service. Any one interested in the implications for the United States of British experiments in this field will find much that is significant in Mr. Wilson's remarks about the unequal resources and unequal sense of responsibility of different units of local government, the uneven opportunities provided for residents in different areas, the inadequacy of permissive legislation, the shortcomings incident to reliance on voluntary agencies to discharge public functions, the false economy that wastes public funds investigating patients' financial resources, and the medical officers of health who make better doctors than managers and who need reënforcing with lay administrative officers. Although it dates from before the current British experiment in a national health service, the book well illustrates the administrative hypotheses that lie back of that form of socialized medicine.—W. HARDY WICKWAR.

In *Studies of African Native Law* (Capetown: The African Bookman; Philadelphia: University of Pennsylvania Press; and Oxford: B. H. Black-

well, Ltd., 1947, pp. vii, 174, \$2.50), Julius Lewin, a South African barrister and senior lecturer in native law and administration in the University of the Witwatersrand, Johannesburg, brings together a series of essays, previously published by him on the sources and framework of this law; the conflict between African native and common (Roman-Dutch) law; the conflict between tribal laws; crime and punishment and native courts and British justice in Africa; the recognition of African native law; and on cases of *lobolo* (dowry) and inheritance. The purpose of the volume, as of the author's earlier *Outline of Native Law* (1944), is to supplement the scarce literature on this subject and to arouse interest in the law's study and reform in his own country and in the British African colonies generally. However, the fact that Mr. Lewin has approached his task in the spirit of the constructively critical sociological rather than the purely expository mechanical jurist makes the volume informative and interesting reading to students of jurisprudence everywhere. His discussion, for instance, of the impact of European law and civilization upon African tribal society and legal customs and his suggestions for remedying some of the injustices created by this process for the African native transcend his *milieu* and are applicable to the clash of legal systems in colonial areas everywhere and in all historical periods.—GEORGE MANNER.

Struggle for Germany (Harper's, pp. x, 260, \$3.00), by Russell Hill, contains many excellent observations and opinions. The analysis of the present political parties is the best this reviewer has read anywhere in postwar publications. The chapter, "Workers of Germany Unite," deserves careful scrutiny by anyone who speaks or writes about Germany's political reconstruction. Mr. Hill sees very distinctly that neither the Christian Democratic Union nor the Social Democrats have found a clear political line. The Christian Democrats vacillate between a reformed capitalism and a Christianized socialism; the Social Democrats try to defend their Marxian traditions and at the same time to make concessions to the growing nationalism and to the still powerful Christian sentiments of the people, especially to the Roman Catholic segment of the population. A clarification is probably not possible before the peace treaty with Germany is written and accepted. And who knows anything about that? Will it be one treaty with one Germany or will it be several treaties—one with an eastern Germany and one with a western Germany? Even if Germany should be united, although decentralized in its administration, Mr. Hill's statement would be true that "Germany is a physical and moral wilderness. A country whose civilization has achieved a high technical development is now reduced to primitive conditions. Practically all people who are politically active in present-day Germany live on the mental and moral reserves of the pre-Hitler period." How will the young people act who

enter politics from the primitive conditions of their generation? No one can foretell. The uncertainty about the mind of the next political generation in Germany is nearly as disquieting as the question which is still open as to whether the Allies will come to some agreement on the German problem. Therefore, Mr. Hill's fair and practical proposals for a peace treaty and a future German constitution remain speculation. However, they are far superior to the suggestions presented by most current writers on the problem.—WILLIAM F. SOLLMAN.

In his *Ireland Her Own* (International Publishers, 1947, pp. 443, \$3.75), T. A. Jackson outlines the Irish attempts to gain independence in the period from the aboriginal Gaelic era to the present. The picture is painted in broad strokes, as it must be, in order to deal with such an extensive subject. The author, in effect, writes a criticism of his own book in the preface, in which he states: "I write frankly as a partisan. I have done my best to be candid; but impartiality is beyond my scope." The various historical events are treated from a strongly leftist and enthusiastically pro-Irish viewpoint. In general, the thesis is that the English ruling classes have continuously thwarted the common people of Ireland, from Henry II's intervention in 1171 to the partition between the six northern counties and the twenty-six southern counties in the Anglo-Irish treaty of 1921-22.—EDWARD G. LEWIS.

INTERNATIONAL LAW AND RELATIONS

In his *Will Dollars Save the World?* (Appleton-Century Co., 1947, pp. 89, \$1.50), Henry Hazlitt, who previously had written *Economics in One Lesson*, attempts to show that extensive lending by the United States is open to serious question. To him, the failure of European recovery is largely traceable to Allied policy in Germany; for economic revival of this key country cannot take place under present policies imposed by the Allied occupation forces. Moreover, government controls and the maintenance of currencies at an artificially high level are killing exports, destroying initiative, and preventing economies from reestablishing themselves—a thesis also put forward by Jacques Rueff, president of the International Reparations Agency, Brussels, and honorary governor of the Bank of France, in his article "The Case for the Free Market" in the April, 1948, issue of *Foreign Affairs*. Like Rueff, Hazlitt believes that buyers and sellers should be free to sell exchange at rates warranted by supply and demand; not until free markets exist can we tell what Europe's real needs are, and the Sixteen Nation Report provides little real information on the point. The United States cannot hope to feed the world, since it produces only twelve per cent of the total food supply. Loans with conditions create ill will, prolong controls, and in many cases subsidize

less essential industries. Foreign loans will not make the United States rich; they intensify the inflationary forces at home; they will not do much to combat communism; and the author criticizes giving help to socialist countries which already are half-way toward communism. The Sixteen Nation Report talks in terms of production targets, a concept which is totalitarian in origin and which presupposes further price control, rationing, allocations, government licenses, etc. Europe, and indeed other nations too, must balance their budgets, eliminate exchange controls and price controls, lower tariff barriers, and promote the restoration of private lending. In Hazlitt's judgment, the United States should make capitalism "strong and free" by getting rid of controls; it should lower tariffs; return to a real gold standard and invite other nations to do the same; open markets freely to foreign loans; and give food, "not money," to Europe. Some of these points are well taken. With others, many economists will strenuously disagree. The title of the book suggests a straw-man question, for surely no one assumes that lending will of itself solve either the economic or political problems of the world. No mention is made of the international conferences relating to trade and employment held at Geneva and at Havana. All in all, the analysis, while containing several valid points, is not convincing on theoretical grounds, and some of the steps proposed seem, under present circumstances, heroic to say the least.—LINDEN A. MANDER.

Richard D. Irwin, Inc., Chicago, has added another volume to the growing list of volumes on international economic problems. *International Trade: Tariff and Commercial Policies* (1948, pp. xxv, 838, \$5.00), by Asher Isaacs, is largely a history of tariff policies, foreign and domestic, together with some consideration of the more up-to-date devices for restricting the free flow of goods and services. The author also takes note of certain movements in recent years which have favored freer trade: commercial treaties; the World Monetary and Economic Conference of 1933; the Pan-American Conference; Hitler's plan for Europe; the Roosevelt-Churchill Eight-Point Peace Aims; the Federal Union Proposal, and other proposals for the modification of sovereignty; the Bretton Woods Monetary Agreements; the proposed International Trade Organization; the Geneva Reciprocal Trade Agreements; and the Marshal Plan for the revival of Europe. But all such halting steps along the road to freer international exchange of goods and services have been checkmated by nationalistic trends which are a hold-over from centuries past. Dr. Isaacs has given more space to certain aspects of the subject than they rightly deserve in a work which he hopes will impress those students who have seen the world before coming into his classroom. Even historical data, in a work of this kind, should be selected with discrimination. Cer-

tain policies which Dr. Isaacs discusses at length have had such an insignificant bearing upon current trade policies that one may question the emphasis. We grant that mercantilism should be explained to students of this subject; but we question the advisability of devoting five chapters or more to it. And so it is with certain other phases of the author's subject-matter. At the same time, so much of the nationalistic rivalry for trade advantage during the past two decades has been fought through monetary control that students of the subject may feel that this phase of the over-all problem of international trade should have received even more attention than the author has given it. The author undoubtedly meant this to be an "exhaustive" treatment of the subject. And that it very nearly is.—JOHN DAY LARKIN.

The German writer, Fritz Sternberg, has produced a program for American action on the ambitious theme. *How to Stop the Russians—Without War* (John Day Co., 1948, pp. vii, 146, \$2.00). The translation is by Ralph Manheim. The small volume is polemical, and repetitious within each chapter. Yet it gives the impression of orderly and logically developed argument—which indeed it is, given the primary assumptions. The gist of the book is that the United States must alter its policies in so far as these support (throughout the world) reactionaries, big industrialists, feudal landlords, militarists, and nationalists; and must ally itself with progressive non-Communist forces and elements ("democratic socialist" ideas and groups). This theme is developed in five well-organized chapters regarding current movements in Europe and Asia, and Russian and American policies relating to the problems and aspirations of the peoples of these continents—three-quarters of humanity. The fundamental changes undergone in recent times by these peoples, and the direction in which they move from now on, will determine the future of the balance-of-power and of war and peace. The writer discloses succinctly the meaning and importance of the struggle against colonial imperialism and feudalism, and the necessity of agrarian reform in Asia; also the need, in Europe, for building a new social and economic structure by democratic socialist planning. Mr. Sternberg's thesis, then, develops in terms of the billion and one-half people who lie between Russia and the United States. We must be more progressive than the Russians in regard to these people and the modern economic and social movements which are enveloping them, if we are to stop Russian expansion and at the same time preserve progress and peace. Mere opposition to Communism is not enough. The general argument of this book will find much sympathy, even if the aspirations and institutions of other peoples—which we are here asked to support—are not and may never be the same as ours.—J. WILLIAM ROBINSON.

The revised edition of Sigrid Arne's *The United Nations Primer* (Rinehart and Co., 1948, pp. 266, \$2.50) adds little to the information presented in the first edition. The first fifteen chapters, which cover important meetings during World War II, from the Roosevelt-Churchill conference on the Atlantic in August, 1941, to and including the San Francisco Conference of 1945, have not been changed at all, except for inclusion, at the end of appropriate chapters, of lists of members of the Food and Agriculture Organization, the International Bank, the Fund, and the United Nations itself. The last four chapters, dealing with the Potsdam meeting, the Council of Foreign Ministers, the Security Council, and the General Assembly of the United Nations, are all new, but they are somewhat disappointing, especially the last two. In view of the fact that the United Nations has been operating under the Charter for more than two years, it would seem that a proper revision of the volume should have called for a general overhauling with much less attention to the war-time conferences and a great deal more to the specialized agencies, the commissions, the Economic and Social Council, the Secretariat, and the other organs of the United Nations. With so many important organs slighted or entirely omitted, the volume is not in fact a primer of the United Nations. With the addition of only four new chapters, it is difficult to see why the author included one on the Council of Foreign Ministers, which is not, in the proper sense, a part of the United Nations. The book is written in a free and easy style, which may make some appeal to the general reader.—NORMAN L. HILL.

Ever since its establishment in 1943 at the University of Istanbul, the Turkish Institute of International Law has invited annually a distinguished foreign scholar to give a series of lectures on some phase of the law to whose study and promotion it is devoted. In 1947, it extended this signal honor to one of our leading international jurists, Professor Herbert W. Briggs, of Cornell University. As a result, Professor Briggs delivered five lectures at Istanbul dealing, respectively, with the rôle of international law; international legislation and the law of treaties; international law and human rights; the problem of world government; and the international control of atomic energy. Subsequently, these lectures were published in both Turkish and English under the titles *Devletler Hukukunun Tedrici İnkişafı* and *The Progressive Development of International Law*, as No. 4 of the Publications of the above Institute (İsmail Akgün Matbaası, Istanbul, 1947, pp. 48, 46). Unquestionably, Professor Briggs' discourses not only come up fully to the high standards set by his predecessors in this series of lectures, Professor N. Politis of Greece, Professor and, formerly, Judge of the World Court D. Anzilotti of Italy, and Professor A. H. Smith of Great Britain. Because of their refreshingly critical

and positive, and yet optimistic, approach to their problems, they also constitute a valuable contribution to the science of the law of nations. This is amply attested by the fact that after their delivery at Istanbul Professor Briggs was asked to repeat some of these lectures at the University of Ankara Law School and before the Turkish General Staff War Academy.—GEORGE MANNER.

The interest of Professor Franklin Charles Palm, of the University of California, in the Second French Empire, an interest which in the three or four years before America's entrance into the Second World War manifested itself through his supervision of more than half a dozen monographic writings on various aspects of the period, has now borne fruit in the form of a monograph of his own. His *England and Napoleon III; A Study of the Rise of a Utopian Dictator* (Duke University Press, 1948, pp. xiv, 184, \$2.50) is easy-flowing, exceedingly interesting, and thoroughly documented. It is therefore eminently readable. The story of Anglo-French relations during the establishment of the Second Empire, involving as it does employment by Louis Napoleon of appeals to fear and to prejudice and of insincere and conflicting promises and of other expedients made familiar by more modern dictators, is, it must be confessed, not a very edifying one; but the author's commendable emphasis on the relevant economic and social considerations, while depriving the account of some of its potential glamour, makes this history book more important to students of international relations and of French and English internal politics. In the latter respect, interest, it may be readily recognized, is inevitably aroused at a number of points only to be but partly satisfied, owing to limitations imposed by the specific subject of the study. Professor Palm has successfully fulfilled his aim "to fill one of the gaps" in the field dealt with; and it is to be hoped that his desire to follow with another volume will soon be realized.—R. K. GOOCH.

/ *The United Nations* (Harvard University Press, 1948, pp. 154, \$2.50), by Herbert Evatt, is the record of a series of lectures by the vigorous foreign minister of Australia, in which he surveys the formation of the United Nations, its working, and its future. In the first chapter, he explains the liberalizing changes in the Dumbarton Oaks draft which were brought about at San Francisco by the smaller powers. In the second, he considers and condemns the various Soviet vetoes in the Security Council; evaluates the work of the Assembly and its faults, especially *bloc* voting; and surveys the work of the Atomic Energy Commission and the Trusteeship Council. In weighing the future, he discusses the Little Assembly, recording his fear that it will depreciate the General Assembly; condemns the non-coöperation of the Soviets in carrying out decisions; and supports a bold

and leading rôle by the Secretary-General. The book is a useful commentary on the origins and working of UN by one who has been in close contact with it from the start, and who is always forthright in his views and comments.—D. F. FLEMING.

Why has Canada hitherto not joined the Pan American Union? To this question, the short, but useful and timely, pamphlet, *Canada and the Pan American System* (Toronto: Ryerson Press, 1948, pp. viii, 47, \$0.60), by F. H. Soward and A. M. Macaulay, provides an explanation. The record of Canadian partnership with other nations follows, on the whole, a consistent pattern. In the British Commonwealth, Canada has played a leading rôle as senior dominion, but has resisted the institution of stronger central machinery. In the League of Nations, she was an active participant, yet advocated restrictive interpretations of Article X. In the Inter-American system, Canada has been the good northern neighbor of the United States, but has shrunk from closer union. To unkindly critics, such attitudes give the appearance of being both in and out, or of getting the best of all worlds. To a more sympathetic view, they are understandable in the light of Canada's economic interests, her intermediate geographical position, and her mixed culture. In the pinch, moreover, Canada has amply shouldered her military obligations. The authors strongly hint that Canadian adherence to the Pan American Union is now more likely than in previous decades. Evidence for this is the growing interest in Latin America, the special affinities of Catholic and Latin French Canada for South American Latins and Catholics, and the new desire of the United States to secure Canadian membership. For the time being, however, many Canadians are loath to take a step which might appear to weaken the connection with Britain, and which might over-emphasize regional security at the expense of the global aims of the United Nations.—LESLIE LIPSON.

In July-August, 1947, the University of Michigan Summer Session sponsored a series of lectures for which nineteen lecturers were brought in to speak on as many different facets of the public and private relations of Americans with the outside world. College professors predominated, but there was a liberal sprinkling of men drawn from government service. A United States senator and a college president, both of whom had been professors, however, were included, and an admiral and a major-general were added to round out the series. Eighteen of the lectures (what became of the sole casualty is not reported) have been brought together by Howard M. Ehrmann and published under the title "Foreign Policies and Relations of the United States" in the January, 1948, issue of *The Annals of the American Academy of Political and Social Science* (Vol. 255, pp. v,

234). The papers are not of equal value, and a few lack significance. A lecturer who has been a professor of law is naive enough to think that the last war was distinguishable from earlier imperialistic wars because "it was a war for human rights." A career diplomat says that when our neighbors' houses were aflame "we went to their help." We were successful, apparently, for "the fire is now out." Such weaknesses are few and do not detract from the genuine merit of the greater number of papers. Lawrence M. Gould, president of Carleton College, provides an interesting and informative analysis of politics in the polar areas. Donald M. Brand, professor of geography at the University of Michigan, draws upon his rich and extended experience to write of the scientific and cultural relations of Americans with Mexicans. These and other papers make the undertaking worth while.—RALPH A. NOREM.

Aside from his observations on the possibilities of peaceful transition to socialism, not through the dictatorship of the proletariat but rather through new Communist-led "democratic" coalition governments, Earl Browder adds little of importance to the generally familiar Communist line in his *World Communism and U. S. Foreign Policy* (Published by the author, 1948, pp. 55, \$0.50). Although he occasionally takes a few shots at what he calls non-Marxist concepts of the official American Communist party, from which he was expelled in 1946, Browder follows the major Communist line, American and Russian, in his criticism of the foreign policy of the United States. This familiar thesis is that there is currently being formed under the Marshall-Truman leadership a war-mongering, anti-Soviet, reactionary-imperialist *bloc* which may precipitate war against the Soviet Union. The way to check this dangerous trend is to swing back to the "progressive imperialism" of Franklin D. Roosevelt, which presumably was based on Russian-American coöperation, unanimity of the Big Three on all important issues, and support of the "people's democratic coalitions" led by the Communists. While Browder several times says that dogma must yield to facts, his own distortions of facts, contradictions, and unsupported interpretations are so numerous as to make his book difficult reading.—ALFRED P. FERNBACH.

POLITICAL THEORY AND MISCELLANEOUS

For those interested in the struggle for a working balance in our society, *Alternative to Serfdom* (Alfred A. Knopf, 1948, pp. 153, \$3.00) will be required reading. Professor John M. Clark, in the tradition of Adam Smith, has gone beyond the economics of the market-place and has utilized the whole field of the social sciences to analyze the current threat to freedom. He offers no sweeping panaceas, but he does outline our dilemma. Where are we to find protection against irresponsible power—be it that of

labor or capital? Is it enough to place our trust in a return to the mechanics of the market-place and in the operation of pure and unbridled competition? For Professor Clark, the answer is no. The market is often biased. Competition has never existed in a pure state because it has always been expedient to limit it in the interest of security. State action can compensate for some of these inadequacies, but not all. The key to the problem is "that the price of freedom is its responsible exercise" (p. 4). Freedom means group and individual restraint. Yet no society can survive which is not realistic about the human element. It should not demand too much from the average man. It should also, through group allegiances, satisfy the very human desire of the individual to belong to some body smaller than the state. Today, however, too many of the groups commanding the allegiance of individuals are in conflict. The result is an aggravated pluralism, often approaching anarchy. When these groups possess monopoly power, as do both labor and capital, there is an undeniable danger of serfdom. The economics of the case are, of course, discussed completely. This is an excellent scholarly excursion into a subject which has been too much abused in contemporary literature.—LAWRENCE PELLETIER.

The impact of governmental controls over economic life on economic thinking, during the recent war, will furnish controversial literature for some time to come. Many academic economists were enabled to try their hand in implementing their beliefs about economic policies, and it is altogether desirable that they should furnish the results of their experience to those who continue to grapple with the intermixture of economics and politics in modern economies. In *The Economic Problem in Peace and War* (London: Macmillan, 1947, pp. 86, \$1.50), Lionel Robbins, of the University of London, presents in a small volume some of his reflections on the wartime experience. The three lectures present an acute and, more often than not, persuasive plea for use of the price-system for the handling of the relative allocation of resources. They are critical of many attributes of the recent operations of so-called free economies, but other means of handling the inequities of the operation of the price system are suggested, such as taxation and allowances to the low income groups. He agrees with much of the recent criticism which denies the ability of the price mechanism to guarantee an aggregate demand to secure maximum output, and would transfer some responsibility to the state to obtain that result. But he warns accurately about an over-emphasis on full employment as a goal of financial planning. There is a beautiful analysis of the war economy under the all-out conditions of the two recent general wars. The volume indicates that Robbins has retained many of his prewar views, but he admits modification, particularly in connection with the aggregate demand situation. The volume as a whole is a fine contribution toward a common

basis between the right and the left in economic reform.—CHARLES B. HAGAN.

The most recent edition of John Locke's *Two Treatises of Government* (New York: Hafner Publishing Co., 1947, pp. xlii, 311) is edited by Professor Thomas I. Cook. Unlike the recent Blackwell edition edited by J. W. Gough, this one contains both treatises, together with the *Patriarchia* of Robert Filmer. Attaching more importance to Filmer's work and to Locke's *First Treatise* than many have done, Professor Cook argues that "while Filmer's specific allegations of fact were easy to challenge, and his detailed arguments were invalid, his fundamental attitude was properly historical and sociological." While Locke may have "effectively revealed the fallacies of Filmer . . . he evaded the difficulties in his own position, for which he cleared the ground too completely." In his penetrating analysis of the *Second Treatise*, Professor Cook's discussion of Locke's theory of property is particularly valuable for its clarity and insight. He shows not only how the Lockean teaching could be used in defense of capitalism, but how "by reinterpretation" it could become "the basis of the most influential school of socialism." In a few short paragraphs on Locke's contemporary influence, Professor Cook declares that "Locke's specific teachings are in the main irrelevant to our actual problems, and hamper rather than aid us," partly because "modern psychology has undermined the concept of man as primarily a rational animal," and the concept of natural rights "has been rejected on the ground that rights are essentially social." But if Locke's "premises cannot be ours," as Professor Cook declares in his conclusion, it is difficult to understand how Locke nevertheless "embodies a lasting morality" and "represents the basic aspiration of our own society." What specifically is the basic aspiration of a society that rejects the concept of man as a rational animal?—JOHN H. HALLOWELL.

The intellectual unity of our Western civilization, the vital importance of a few perennial and continuing problems, and the necessity of understanding these problems historically if we would deal with them practically, are lessons which Professor McIlwain has always taught his students and the readers of his books. His *Constitutionalism Ancient and Modern* ✓ (Cornell University Press, 1947, pp. vii, 180, \$2.50.) is now published in a revised edition, which has many interesting additions to the notes, but is otherwise unchanged. The book deals with one of the greatest of questions, which the author traces from ancient to modern times, showing how the concept of constitutionalism was formulated (and was challenged) in Greece, in Rome, in the Middle Ages, and during the development of the national state. Professor McIlwain emphasizes the fusion between

constitutional law and doctrine, political theory, and political practice in such a way that the book is of interest to specialists in all of these fields. It was written during the attacks on constitutionalism which preceded the recent war; it has lessons for today, though the reader will find such lessons implied rather than stated.—EUGENE P. CHASE.

A Sarmiento Anthology (Princeton University Press, 1948, pp. 336, \$5.00), edited by Allison Williams Bunkley and translated from the Spanish by Stuart Edgar Grummon, is a worth while effort to bring together in English selections from the works of the great Argentine writer, educator, and statesman, Domingo Faustino Sarmiento (1811–1888). The collection is particularly important to the political scientist for including parts of Sarmiento's famous novel *Facundo* (not republished in English since Mrs. Horace Mann's translation of 1865) in which he attacks the authoritarianism of *gaucho* culture in the provinces and advocates the Europeanization and North-Americanization of Argentina. Sarmiento's thinking led him to support political democracy and close diplomatic and cultural relations with the United States. Indeed, Sarmiento established the doctrines of the liberal-democratic state so firmly that able defenders of Spanish and native authoritarianism such as Manuel Gálvez and Pablo A. Ramella have not been able to destroy his influence. The present anthology was published to give a synoptic view of a man significant for endeavors in various fields, and the political scientist cannot logically or fairly criticize the failure to emphasize Sarmiento's political thought. I did wonder, however, whether the volume would not have been strengthened by giving less space to Sarmiento's accounts of his travels in the United States (pp. 193–287), in which he shows less insight than such foreign observers as De Tocqueville or Bryce or perhaps even Ostrogorski, and by devoting additional space to his more substantial contributions.—WILLIAM S. STOKES.

The March, 1948, issue of *The Annals of the American Academy of Political and Social Science* (Academy Press, 1948, pp. 265, \$2.00) is entitled "Organized Religion in the United States." Dr. Ray H. Abrams, of the University of Pennsylvania's sociology department, is editor; and the volume is organized in five sections, respectively headed: "Our Contemporary Religious Institutions"; "Relationship to Other Institutions"; "The Churches and Social Action"; "Trends and Future Prospects"; "Statistics and Bibliography." Section I includes sociological discussions of such topics as "Judaism"; "The Roman Catholic Church"; "The Protestant Churches"; "The Sects." One of the papers in Section II is of particular interest to political scientists. Here Dr. Harry F. Ward, for twenty years chairman of the Civil Liberties Union, writes on "Organized

Religion, the State, and the Economic Order." He predicts political conflicts because of the recent Supreme Court decision which upheld a New Jersey law providing payment of bus transportation for parochial school children out of public funds. Religious leaders view this as a threat to the traditional separation of church and state. The churches are politically active in striving to secure the most desirable governmental and economic framework in which to further their professed goals of moral law, social justice, and service to human needs. In Section III, the editor discusses "The Churches and the Clergy in World War II." Dr. Alfred McClung Lee's scholarly article on "The Press and Public Relations of Religious Bodies" has useful data on the scope and influence of religious publications. In Section IV, Dr. John Herman Randall, Jr., writes of "The Churches and the Liberal Tradition." He concludes that "American religion—will [continue to] generate leaders devoted to the spirit of free inquiry who will meet in some fashion the insistent demands of American experience for a religious message dealing with its fundamental secular problems" (p. 164). —MONA FLETCHER.

RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

MULFORD Q. SIBLEY

AND

MARJORIE H. SIBLEY

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books and Pamphlets

Altman, G. T. C.C.H. federal tax course (1947-1948 ed). Pp. 957. Chicago: Commerce Clearing House. 1947.

American Bar Association, American Political Science Association, and School of Law of New York University. Conference on the citizen's participation in public affairs. Pp. 176. N.Y.: N.Y. Univ. School of Law. 1948.

Armstrong, R. B., et al. Problems in price control. Pp. 441. Washington: O.P.A. 1947.

Baird, A. Craig. Representative American speeches, 1946-1947. Pp. 293. N.Y.: Wilson. 1948.

Baldwin, Hanson W. The price of power. Pp. 373. N.Y.: Harper.

Ballard, René N. The primary convention system in Utah. Pp. 16. Salt Lake City: Univ. of Utah. 1947.

Beard, Charles A. President Roosevelt and the coming of the war, 1941; a study in appearances and realities. Pp. 620. New Haven: Yale Univ. Press. 1948.

Bishop, Hillman M., and Hendel, Samuel, eds. Basic issues of American democracy; a book of readings. Pp. 337. N.Y.: Appleton-Century-Crofts. 1948.

Bawling, R. W., and Davidson, W. R. Administrative aspects of delinquency control. Pp. 74. L.A.: Univ. of So. Calif. 1946.

Bracken, Claire. Small government career service. Pp. 56. College Park: Univ. of Md. 1948.

Brant, Irving. James Madison, the nationalist, 1780-1787. Pp. 484. Indianapolis: Bobbs-Merrill. 1948.

Browder, Earl. World communism and U. S. foreign policy. Pp. 55. N.Y.: Author, 55 W. 42 St. 1948.

Casey, Robert J., and Douglas, William A. S. The midwesterner: the story of Dwight H. Green. Pp. 311. Chicago: Wilcox & Follett. 1948.

Chamberlain, Lawrence H., and Snyder, Richard C., eds. American foreign policy. Pp. 840. N.Y.: Rinehart. 1948.

Clark, Walter. The papers of Walter Clark; ed. by Audrey L. Brooks and Hugh T. Sefler; v. 1, 1857-1901. Pp. 622. Chapel Hill: North Carolina Press. 1948.

Corwin, E. S. The constitution and what it means today. 10th ed. Pp. 273. Princeton: Princeton Univ. Press. 1948.

Farley, James A. Jim Farley's story; the Roosevelt years. Pp. 398. N.Y.: Whitelsey House. 1948.

Fenn, P. T. The development of the constitution. Pp. 733. N.Y.: Appleton-Century-Crofts. 1948.

Frederickson, Hazel. The child and his welfare. Pp. 318. S. F.: W.H. Freeman. 1948.

French, Marion O. America and war; the military, political, and economic record. Pp. 544. Harrisburg, Pa.: Military Science Pub. Co., 1948.

Ginsberg, Eli, and Carwell, Joseph. The labor leader; an exploratory study. Pp. 205. N.Y.: Macmillan. 1948.

Gorer, Geoffrey. The American people; a study in national character. Pp. 246. N.Y.: Norton. 1948.

Groves, Harold M. Trouble spots in taxation; essays in the philosophy of taxation and other public finance problems. Pp. 105. Princeton (N.J.): Princeton Univ. Press. 1948.

Hesseltine, William B. The rise and fall of third parties; from Anti-Masonry to Wallace. Pp. 119. Wash., D.C.: Pub. Affairs Press. 1948.

Levi, E. H. The antitrust laws and monopoly. Pp. 183. Chicago: Law School, Univ. of Chicago. 1947.

MacDonald, Dwight. Henry Wallace, the man and the myth. Pp. 187. N.Y.: Vanguard. 1948.

Marion, George. Bases and empire; a chart of American expansion. Pp. 199. N.Y.: Fairplay Pubrs., 25 W. 44 St. 1948.

McGurrin, James. Bourke Cockran; a free lance in American politics. Pp. 376. N.Y.: Scribner. 1948.

McWilliams, Carey. A mask for privilege; anti-semitism in America. Pp. 312. Boston: Little, Brown. 1948.

Milligan, Maurice M. Missouri waltz; the inside story of the Pendergast machine by the man who smashed it. Pp. 294. N.Y.: Scribner. 1948.

Nichols, Roy F. The disruption of American democracy. Pp. 630. N.Y.: Macmillan. 1948.

Patman, Wright. Our American government; the answers to one thousand and one questions on how it works. Pp. 143. Chicago: Ziff-Davis. 1948.

Powell, Gene. Tom's boy Harry: the first complete, authentic story of Harry Truman's connection with the Pendergast machine. Pp. 207. Jefferson City, Mo.: Hawthorn. 1948.

Ross, Malcolm H. All manner of men. Pp. 314. N.Y.: Reynal & Hitchcock. 1948.

Smillie, Wilson G. Public health administration in the United States; 3rd ed. Pp. 657. N.Y. Macmillan. 1948.

Stell, Samuel H. State aviation laws; a summary of the laws of the forty-eight states. Washington: Lib. of Cong., 1947.

Tate, Merze. The United States and armaments. Pp. 324. Cambridge (Mass.): Harvard Univ. Press. 1948.

Waldo, Dwight. The administrative state; a study of the political theory of American public administration. Pp. 236. N.Y.: Ronald. 1948.

Young, Klyde, and Middleton, Sanvar. Heirs apparent; the vice-presidents of the United States. Pp. 320. N.Y.: Prentice-Hall. 1948.

Articles

Administrative Law. A symposium on state administrative procedure. *Augustus N. Hand and Others.* Ia. Law Rev. Jan., 1948.

———. Hearings: the right to trial, with special reference to administrative powers. *G. E. Hale.* Ill. Law Rev. Jan.-Feb., 1948.

———. Institutional administrative decisions. *Kenneth Culp Davis.* Columbia Law Rev. Mar., 1948.

———. The origins of judicial control of federal executive action. *Frederic P. Lee.* Georgetown Law Jour. Mar., 1948.

———. Administrative finality and due process of law. *William J. Hickey*. Georgetown Law Jour. Mar., 1948.

———. The administrative procedure act and the tax court. *S. R. Rubin*. Taxes. Mar., 1948.

Agriculture. Some economic consequences of federal aid and subsidies to southern agriculture. *C. T. Taylor*. So. Econ. Jour. July, 1947.

———. Agricultural price index numbers. *A. G. Peterson*. Jour. of Am. Stat. Assoc. Dec., 1947.

———. The American farm bureau federation and farm policy, 1933-1945. *Theodore Saloutos*. Southwestern Soc. Sci. Quar. Mar., 1948.

———. The farm security myth. *D. L. Graham*. Antioch Rev. Mar., 1948.

———. Joseph built the first grain pit. *William Ferris*. Nation's Bus. Apr., 1948.

———. The country that can feed the world? *Fairfield Osborn*. Atlan. Apr., 1948.

Aliens. The Spartan Greeks of Bridgetown. *J. M. Stycos*. Common Ground. Winter, 1948.

Army and Navy. The navy court martial; proposals for its reform. *R. S. Pasley, Jr.*, and *F. E. Larkin*. Cornell Law Quar. Nov., 1947.

———. The revision of the army court-martial system. *Leonard M. Wallstein, Jr.* Columbia Law Rev. March, 1948.

———. How good is Annapolis? An answer. *E. E. Kintner and Others*. Atlan. Mar., 1948.

———. Have we an intelligence service? *Anonymous*. Atlan. Apr., 1948.

Atomic Energy. The atomic energy commission—is it to be trusted? *Win Nelson*. Pub. Util. Mar. 11, 1948.

Aviation. Choice of the air carrier for new transport routes, part II. *H. C. Westwood*. Geo. Washington Law Rev. Feb., 1948.

———. The wildest blue yonder yet. *Editors*. Fortune. Mar., 1948.

Bar. The minimum fee bill of the state bar association of Wisconsin. *Raymond T. Zillmer*. Wis. Law Rev. Jan., 1948.

———. Lawyers and law schools: importance of their rôle in public service. *Reginald H. Smith*. Am. Bar Assoc. Jour. Mar., 1948.

———. Admissions to the bar: a factual survey of bar examination subjects. *George N. Stevens*. Am. Bar Assoc. Jour. Feb., 1948.

Business. Baseball and the anti-trust laws. *J. W. Neville*. Fordham Law Rev. Rev. Nov., 1947.

———. Lorenz curve analysis of industrial decentralization. *George C. Smith, Jr.* Jour. of Am. Stat. Assoc. Dec., 1947.

———. Small business and depression. *R. V. Rosa*. Harvard Bus. Rev. Jan., 1948.

———. Must 1929 repeat itself? *Thurman Arnold*. Harvard Bus. Rev. Jan., 1948.

———. Insurance and the anti-trust laws—a problem in synthesis. *G. K. Gardner*. Harvard Law Rev. Jan., 1948.

———. Price discriminations and their justifications under the Robinson-Patman act of 1936. *J. T. Haslett*. Mich. Law Rev. Feb., 1948.

———. Improving state regulation of insurance. *Lester B. Orfield*. Minn. Law. Rev. Feb., 1948.

———. Is big business a threat to you? *J. A. Livingston*. Nation's Bus. Mar., 1948.

- . Control of war contract profits. *N. C. Parkin*. Harvard Bus. Rev. Mar., 1948.
- . When all the banks are closed. *A. A. Ballantine*. Harvard Bus. Rev. Mar., 1948.
- . Mistakes business men make in politics. *James A. Farley*. Nation's Bus. Apr., 1948.
- . On "selling" free enterprise. *B. J. Hevde*. Am. Jour. of Econ. and Sociol. Apr., 1948.
- Civil Liberties.** An open letter to the attorney-general of Illinois. *Wilber G. Katz*. Univ. of Chicago Law Rev. Winter, 1948.
- . Pennsylvania's wills, act of 1947, and separation of church and state. *K. R. O'Brien and D. E. O'Brien*. Dickinson Law Rev. Jan., 1948.
- . Ten years of the Supreme Court, 1937-1947: due process of law. *Robert J. Harris*. Am. Pol. Sci. Rev. Feb. 1948.
- . Ten years of the Supreme Court, 1937-1947: Civil liberties. *Robert E. Cushman*. Am. Pol. Sci. Rev. Feb., 1948.
- . Recent developments in the federal law of searches and seizures. *Osmond K. Fraenkel*. Ia. Law. Rev. Mar., 1948.
- . Freedom of the press in wartime, 1917-1919. *O. A. Hilton*. Southwestern Soc.-Sci. Quar. Mar., 1948.
- . In defense of American activities. *Walter Gellhorn*. Am. Scholar. Spring, 1948.
- Conservation.** Valley development and valley administration in the Missouri basin. *Henry C. Hart*. Pub. Admin. Rev. Winter, 1948.
- . The great canal fiasco. *Richard Neuberger*. Am. Mercury. Apr., 1948.
- Constitutional Law.** Vested rights in the common law: "life," "liberty," "property," "due process of law." *J. D. Barnett*. Ore. Law Rev. Dec., 1947.
- . Federalism and the commerce clause. *David Fellman*. Jour. of Politics. Feb., 1948.
- . The decline of judicial review. *Robert J. Harris*. Jour. of Politics, Feb., 1948.
- . State taxation of interstate commerce. *F. V. Cahill, Jr.* Univ. of Ore. Law Rev. Feb., 1948.
- Crime and Criminal Law.** Juvenile delinquency. *J. Edgar Hoover*. Southwest Rev. Autumn, 1947.
- . The new rules of federal criminal procedure. *G. H. Cohen*. Conn. Bar Jour. Dec., 1947.
- . The F. B. I. *Clifton Bennett*. Politics. Winter, 1948.
- . A decade of serious crimes in the United States; some trends and hypotheses. *A. L. Porterfield*. Am. Sociol. Rev. Feb., 1948.
- Economic Problems.** Everybody's problem: prices, wages, profits. *Leon Keyserling*. Harper's. Mar., 1948.
- Elections.** The men behind the candidates. *Carlisle Barger*. Nation's Bus. Mar., 1948.
- . The presidential elections. *Jerome G. Kerwin*. Rev. of Pol. Apr., 1948.
- . Prediction in a non-partisan election. *George W. Pearson*. Pub. Opin. Quar. Spring, 1948.
- Electoral College.** Should the electoral college be abolished? pro and con. *Symposium*. Cong. Digest. Apr., 1948.
- Eminent Domain.** Acquisition of right of way for highway purposes in Kentucky

—right of eminent domain and just compensation. *James R. Richardson*. Ky. Law Rev. Jan., 1948.

Family. The rationale of the recognition of foreign divorces in New York. *Arthur Lenhoff*. Fordham Law Rev. Nov., 1947.

———. Our scandalous divorce laws. *Dorothy D. Bromley*. Am. Mercury. Mar., 1948.

Foreign Policy. Dollars are not enough: high tariffs vs. Marshall plan. *Charles S. Potts*. Southwest Rev. Autumn, 1947.

———. America's stake in the future of Europe. *Norman Armour*. Possible economic depression and foreign policy. *R. L. Gulick*. Marshall plan and Soviet-American relations. *A. Th. Polyzoïdes*. World Affairs Interpreter. Jan., 1948.

———. The American attitude, part II: the economic base of American power. *Graham Hutton*. Nineteenth Cent. Feb., 1948.

———. Our membership in the United Nations and the federal treaty power under the constitution. *Jon Magnusson*. Va. Law Rev. Feb., 1948.

———. Executive agreement on treaty. *H. M. Caturdal*. Jour. of Politics. Feb., 1948.

———. Is the administration's proposal for European recovery sound? pro and con. *Symposium*. Cong. Digest. Mar., 1948.

———. American economic policy. *Editors*. Round Table. Mar., 1948.

———. The U. S. job in Germany. *Barry Bingham*. Freedom & Union. Mar., 1948.

———. Good will—our investment in Europe. *Felix Oppenheim*. Current Hist. Mar., 1948.

———. American security and foreign oil. *Bernard Brodie*. For. Policy Rep. Mar. 1, 1948.

———. The foreign policy of the American communist party. *Joseph Barnes*. Measuring the Marshall plan. *Stacy May*. For. Affairs. Apr., 1948.

Foreign Trade. Industrial concentration and trade barriers. *Clifford L. James*. So. Econ. Jour. Oct., 1947.

Government Contracts. Damages for delays in the law of government contracts. *Leslie L. Anderson*. So. Calif. Law Rev. Feb., 1948.

Health. Progress of health security legislation in the United States. *Editors*. Int. Labor Rev. Jan.-Feb., 1948.

Housing. Coercive aspects of housing coöperatives. *Robert Marks* and *Kenneth J. Marks*. Ill. Law. Rev. Jan.-Feb., 1948.

———. Tax subsidies for rental housing. *Walter J. Blum* and *Norman Bursler*. Univ. of Chicago Law Rev. Winter, 1948.

———. Federal housing agencies adopt peace-time pattern. *Jesse Epstein*. Western City. Mar., 1948.

Japanese Exclusion. Legalized blackmail. *Bradford Smith*. Common Ground. Winter, 1948.

Interstate Relations. The administrative mechanism of the interstate oil compact to conserve oil and gas: the interstate oil compact commission, 1935-1948. *Blakely M. Murphy*. Tulane Law Rev. Mar., 1948.

Judiciary. Criminal versus civil contempt. *Editors*. Ind. Law Jour. Jan., 1948.

———. The work of the Louisiana supreme court. *Symposium*. La. Law Rev. Jan., 1948.

———. Ten years of the Supreme Court, 1937-1947: The Roosevelt court: votes and values. *C. Herman Pritchett*. Am. Pol. Sci. Rev. Feb. 1948.

Labor. The rôle of government in labor-management relations. *L. J. Pritchard*. A. A. U. P. Bull. Winter, 1947.

- . The negro worker and his right to demand full union membership. *Kathryn Gerry*. *Rocky Mt. Law Rev.* Dec., 1947.
- . A decade of state labor legislation. *Harry A. Millis* and *Harold A. Katz*. *Univ. of Chicago Law Rev.* Winter, 1948.
- . Some aspects of the labor management relations act, 1947, part II. *Archibald Cox*. *Harvard Law Rev.* Jan., 1948.
- . What is responsible wage policy? *A. M. Ross*. *Unionism and real labor income*. *G. F. Bloom* and *Nathan Belfer*. *So. Econ. Jour.*, Jan., 1948.
- . My union—an inside story. *John Worker*. *Harvard Bus. Rev.* Jan., 1948.
- . Fair employment practices legislation. *Royal Parkinson*. *Harvard Bus. Rev.* Jan., 1948.
- . Rights and obligations of strikers under the Taft-Hartley act. *Keith W. Blume*. *Mo. Law Rev.*, Jan., 1948.
- . The legal protection of civil liberties within unions. *Joseph Korner*. *Wis. Law Rev.* Jan., 1948.
- . The constitutionality of the expurgatory-oath requirement of the labor management relations act of 1947. *James D. Barnett*. *Univ. of Ore. Law Rev.* Feb., 1948.
- . Maintenance of membership; a study in administrative statesmanship. *J. M. Burns*. *Jour. of Politics*. Feb., 1948.
- . The influence of unionism on wages. *Arthur M. Ross*. *Quar. Jour. of Econ.* Feb. 1948.
- . Labor trouble under the microscope. *Jules Archer*. *Survey Graphic*. Feb., 1948.
- . The lawyer and labor relations. *R. G. Howlett*. The portal to portal act. *J. S. Ray*. The Taft-Hartley act. *R. N. Denham*. The Taft-Hartley act—another viewpoint. *G. D. Reilly*. *Tenn. Law Rev.* Feb., 1948.
- . Taft-Hartley and the printers. *Freeman Champney*. *Antioch Rev.* Mar., 1948.
- . Labor's bright young man [Walter Reuther]. *James A. Wechsler*. *Harper's*. Mar., 1948.
- . The blast in Centralia no. 5. *John Barlow Martin*. *Harper's*. Mar., 1948.
- . Constitutionality of the proposed Minnesota fair employment practices act. *Edward F. Waite*. *Minn. Law. Rev.* Mar., 1948.
- . The American Federation of Musicians and the recording ban. *Anders S. Lunde*. *Pub. Opin. Quar.* Spring, 1948.
- Law. Annual survey of American law. *P. H. Winfield*. *Cambridge Law Jour.* No. 3, 1947.
- Lobbies. Washington lobbies. *Ruth Finney*. *Am. Mercury*. Mar., 1948.
- Personalities. Harlan Fiske Stone: some personal aspects of his career. *Editors*. *The Brief*. Jan., 1948.
- . Secretary of Defense Forrestal. *Donald Robinson*. *Am. Mercury*. Mar., 1948.
- . What makes Wallace run? *William Harlan Hale*. *Harper's*. Mar., 1948.
- . Taft: is this the best we've got? *R. H. Rovere*. *Harper's*. Apr. 1948.
- . The future of Dwight Eisenhower. *Donald Robinson*. *Am. Mercury*. Apr., 1948.
- Personnel. Can work measurement be applied to the personnel office? *Herbert H. Rosenberg*. *Pub. Admin. Rev.* Winter, 1948.
- . The scope of personnel activities in the federal service. *Virgil L. Couch*. Same industry misconceptions about business. *Felix A. Nigro*. *Personnel instruc-*

tions for the person who uses them. *Elinor G. Hayes* and *Edward B. McMenamin*. Civil service examining boards. *Robert C. Duncan*. A summer work program for scientific personnel. *William G. Forpey*. Setting standards of performances. *Ralph M. Hogan*, *Elizabeth R. Gardner* and *Kathryn E. Shapley*. Equal say for equal "blue-collar" work. *Julius E. Ettington*. A position classifier looks at budgeting. *Lester Warmbrun*. *Personnel Admin.* Jan., 1948.

———. Current public personnel issues—a symposium. *Frederick M. Davenport*, *William Langer*, *John M. Pfiffner*, *Edward H. Rees*, *John J. Carson*, *Luther C. Steward*, *James B. Burns*, and *Abram Slater*. Medical personnel in the veterans administration. *Gladys M. Kammerer*. Does position classification work? *Donald McInnis*. The classification post-audit program. *Asa M. McClain*. *Personnel Admin.* Mar., 1948.

Planning. National planning of internal improvements. *Carter Goodrich*. *Pol. Sci. Quar.* Mar., 1948.

Political Parties. Political thunder in the west. *J. Lacey Reynolds*. *Nation's Bus.* Mar., 1948.

———. Elections kill third parties? *Morrol Berger*. *Nation's Bus.* Apr., 1948.

Public Administration. Reconverting the federal service: what happened after the first world war. *Paul Van Riper*. Problems in recruiting scientific and technical personnel. *W. G. Torpey*. Appraising employee performance. *John A. Overholt*. A six-state child welfare examination project. *Leroy S. Howell*. *Pub. Personnel Rev.* Jan., 1948.

———. Administrative abnegation in the face of congressional coercion; the interstate natural gas company affair. *A. L. Scanlan*. *Notre Dame Lawyer.* Jan., 1948.

———. Bias of administrative officers. *Kenneth Culp Davis*. *Minn. Law. Rev.* Feb., 1948.

———. An evaluation of wartime personnel administration. *Gladys M. Kammerer*. *Jour. of Politics.* Feb., 1948.

———. Establishment and maintenance of price regulations—a study in administration of a statute. *Leonora A. Gruber*. *Univ. of Pa. Law Rev.* Mar., 1948.

Public Finance. Full employment and interest-free borrowing. *J. V. Burkhead*. *So. Econ. Jour.* July, 1947.

———. Fiscal program of the 80th congress. *J. A. Maxwell*. *Harvard Bus. Rev.* Jan., 1948.

———. Federal corrective for community property inequity. *P. J. Foley*. *Taxes.* Mar., 1948.

———. Tax gatherers are people. *Jerry Kluttz*. *Nation's Bus.* Mar., 1948.

Public Opinion. Consensus and mass communication. *Louis Wirth*. *Am. Sociol. Rev.* Feb., 1948.

———. Opinion trends in world war two. *Hadley Cantril*. *Pub. Opin. Quar.* Spring, 1948.

———. Anti-communist mob action: a case study. *Robert C. Myers*. *Pub. Opin. Quar.* Spring, 1948.

———. The American attitude, part III: 'citizen apparent.' *Marjorie Bremner*. *Nineteenth Cent.* Mar., 1948.

Public Utilities. NARUC legislative program. *Arnold Haines*. *Pub. Util.* Mar. 11, 1948.

———. The care and finding of regulatory commissions. *John W. Heselton*. The holding company overhaul now half completed. *Owen Ely*. What now on the St. Lawrence? *Roscoe Ames*. *Pub. Util. Quar.* Mar. 25, 1948.

———. The utility supervisor under the Taft-Hartley law. *A. M. Cooper*. Pub. Util. Apr. 8, 1948.

Social Security. Current trends in basic principles of workmen's compensation. *S. B. Horowitz*. Rocky Mt. Law Rev. Dec., 1947.

———. The threat to unemployment insurance. *N. H. Cruikshank*. Am. Federationist. Feb., 1948.

———. Hazardous businesses and employments under Louisiana workmen's compensation law. *Wes S. Malone*. Tulane Law Rev. Mar., 1948.

———. Publication of welfare clients' names and assistance. *Editors*. Kan. Govt. Jour. Apr., 1948.

States. Our new constitution. *Alfred E. Driscoll*. N. J. Municipalities. Jan., 1948.

———. State rent-control legislation, 1946-1947. *J. W. Willis*. Yale Law Jour. Jan., 1948.

———. State legislative reorganization. *J. W. Lederle*. Marquette Law Rev. Feb., 1948.

———. A law revision commission for Illinois. *Ben W. Heineman*. Ill. Law. Rev. Jan.-Feb., 1948.

———. The state of Texas. *Stanley Walker*. Am. Mercury. Mar., 1948.

———. Administrative reorganization in Missouri. *C. A. McCandless*. South-western Soc. Sci. Rev. Mar., 1948.

———. The state of Iowa. *H. G. Felsen*. Am. Mercury. Apr., 1948.

Suits against Government. Immunity of the state from suit by its citizens—toward a more enlightened concept, part I. *Homer Allen Walkup*. Georgetown Law Jour. Mar., 1948.

Taxation. Homestead tax exemptions. *Raleigh Barlowe*. Jour. of Land & Pub. Util. Econ. Nov., 1947.

———. A time study of certain tax controversies. *Madaline K. Remmlein*. Geo. Washington Law Rev. Feb., 1948.

———. Tax consequences of inadequate capitalization. *Myron Semmel*. Columbia Law Rev. Mar., 1948.

———. Progressive taxation and sacrifice. *G. A. D. Preinreich*. Am. Econ. Rev. Mar., 1948.

T.V.A. The T.V.A. and its power-accounting problems. *E. L. Kohler*. Accounting Rev. Jan., 1948.

———. T.V.A. planning wage expansion. *John P. Callahan*. Pub. Util. Quar., Feb. 26, 1948.

Territories. The state of Alaska. *Richard Neuberger*. Survey Graphic. Feb., 1948.

V.A. V.A.'s rejuvenation under GI's general. *D. S. Gillmor*. Survey Graphic. Feb., 1948.

FOREIGN AND COMPARATIVE GOVERNMENT

Books and Pamphlets

Arundale, R. L. Palestine; the land and its people. Pp. 72. London: Nelson. 1948.

Barker, Ernest. ed. The character of England. Pp. 607. N.Y.: Oxford. 1948.

Bomley, Marian. Housing and the state. Pp. 291. N. Y.: Macmillan. 1948.

Carrington, Charles E. An exposition of empire. Pp. 140. N. Y.: Macmillan. 1948.

Crankshaw, Edward. Russia and the Russians. Pp. 228. N. Y.: Viking. 1948.

Davies, D. J. L., and Davies, N. Can Wales afford self-government? Pp. 107. Cardiff: Plaid Cymru. 1947.

Dobby, E. H. G. Malaya and the Malaysians. Pp. 176. London: Univ. of London. 1947.

Ghosh, Dwackanath. Pressure of population and economic efficiency in India. Pp. 109. New Delhi: Indian Council of World Affairs. 1946.

Gibson, William M. The constitutions of Colombia. Pp. 490. Durham (N. C.): Duke Univ. Press. 1948.

Haskins, G. L. The growth of English representative government. Pp. 131. Phila.: Univ. of Pa. Press. 1948.

Hemingford, D. H. H. What Parliament is and does: being an introduction to parliamentary government in the United Kingdom. Pp. 123. N. Y.: Macmillan. 1948.

Isaacs, Harold R., ed. New cycle in Asia. Pp. 225. N. Y.: Macmillan. 1947.

Jalsinisowski, Jan. Zarys organizacji rad narodowych i samarządu terytorialnego. Pp. 206. Wrocław, Nalst: Wojewadzkiego Komitetu PPS. 1946.

Jennings, W. Ivor. The British constitution. Pp. 232. Cambridge: University Press. 1948.

Joesten, Joachim. Germany: What now? Pp. 343. Chicago. Ziff-Davis. 1948.

Lane, Arthur Bliss. I saw Poland betrayed; an American ambassador reports to the American people. Pp. 344. Indianapolis: Bobbs-Merrill. 1948.

Morris, Max, ed. Frau Cobbett to the Chartists, 1815-1848. Pp. 257. London: Lawrence. 1948.

Lawrence, W. H. British Empire republic. Pp. 104. Boston: Christopher Pub. House. 1948.

Light, H. R. The legal aspects of business. Pp. 266. London: Pitman. 1948.

Maynard, Sir John. Russia in flux. Pp. 582. N. Y.: Macmillan. 1948.

Palyi, Melchior. The creeping paralysis of Europe. Pp. 21. Hinsdale, Ill. Regnery. 1947.

Perham, Margery. The government of Ethiopia. Pp. 481. London. Taber. 1948.

Pugh, L. Gwendoline. The changing Congo. Pp. 31. London: Carey Press. 1948.

Rosenfarb, Joseph. Freedom and the administrative state. Pp. 287. N. Y.: Harper. 1948.

Rowlands, E. End of an era: stories from Central China during the war years, 1938-45. Pp. 101. London: Livingstone. 1948.

Stolper, Gustav. German realities. Pp. 351. N. Y.: Reynal & Hitchcock. 1948.

Ulley, Freda. Last illusion. Pp. 299. Philadelphia: Fireside Press. 1948.

Wright, Gordon. The reshaping of French democracy. Pp. 287. N. Y.: Reynal & Hitchcock. 1948.

Articles

Argentina. Argentine backgrounds. *Hugh Fraser.* Soundings. Mar., 1948.

Australia. Extraterritorial enforcement of judgments within the commonwealth of Australia. *W. L. Morison.* Aus. Law Jour. Dec. 12, 1947.

———. Australia: the banking act, 1947. *Editors.* Round Table. Mar., 1948.

Austria. Austria holds on. *Karl Gruber.* For. Affairs. Apr., 1948.

British West Africa. Nationalism in British West Africa. *Vernon McKay.* For. Policy Rep. Mar. 15, 1948.

Burma. Burma stands alone. *Raibeart M. MacDougall.* For. Affairs. Apr., 1948.

Canada. The civil list and responsible government in Nova Scotia. *D. C. Harvey.* Two ways of life; the spirit of our institutions. *A. R. M. Lower.* The liberal party in Alberta, 1905-21. *L. G. Thomas.* Can. Hist. Rev. Dec., 1947.

———. The theoretical problems of a national wage-price policy. *M. W. Reder.* Canadian war-time fiscal policy, 1939-45. *R. Craig McIvor.* Can. Jour. of Econ. and Pol. Sci. Feb., 1948.

———. A new era in Canada. *J. A. Stevenson.* For. Affairs. Apr., 1948.

China. Government-communist relations in China. *Theodore Hsi-En Chen.*

- World Affairs Interpreter. Autumn, 1947.
- . Sinkiang survey. *Members of the School of International Relations, Johns Hopkins University*. Far Eastern Survey. Feb. 25, 1948.
- . Agrarian reform in China. *Chen Han-Seng*. Far Eastern Survey. Feb. 25, 1948.
- . China: the virus and the vaccine. *Tony Gibson*. Nineteenth Cent. Mar., 1948.
- . Government in transition. *Carson Chang*. China Mag. Mar., 1948.
- . China; a fundamental approach. *Li An-che*. Pacific Affairs. Mar., 1948.
- . Land redistribution in communist China. *Frank C. Lee*. Pacific Affairs. Mar., 1948.
- Czechoslovakia. Democracy in the Soviet orbit; Czechoslovakia's struggle. *Hans Kohn*. Current Hist. Feb., 1948.
- . The collapse of Czech democracy. *Daniel Seligman*. Am. Mercury. Mar., 1948.
- . Eye-witness at Prague. *A. Powell Davies*. Freedom and Union. Apr., 1948.
- Denmark. Police dogs in Denmark. *H. S. Kemble*. Police Journ., Jan.-Mar., 1948.
- Eire. Eire's general election. *John Fitzgerald*. Contemp. Rev. Mar., 1948.
- . Ireland: the general election. *Editors*. Round Table. Mar., 1948.
- Finland. Recent social developments in Finland. *M. A. Mannio*. Int. Labor Rev. Jan.-Feb., 1948.
- . Finland since 1939. *Thorsten V. Kalijarvi*. Rev. of Pol. Apr., 1948.
- France. A propos de la non-rétroactivité de la loi pénal. *J. A. Roux*. Rev. de Droit Int. Jul.-Sept., 1947.
- . French letter: "planned class." *Gelo and Andrea*. Politics. Winter. 1948.
- . The position of parliament in the Fourth French Republic. *D. W. S. Sidderdale*. Parl. Affairs. Winter, 1947.
- . Le fédéralisme et l'Union française. *Georges Scelle*. La bataille du franç; de l'artificiel au réel. *Gabriel Louis Jaray*. Le cabinet Ramadier et la pratique constitutionnelle. *André Sauwageot*. Le gouvernement de Gaulle, part II; le choix d'une politique générale. *Émile Giraud*. Rev. Pol. et Parl. Mars, 1948.
- . The position and prospects of the communists in France. *Vernon Van Dyke*. Pol. Sci. Quar. Mar., 1948.
- . Christianity versus communism in France. *Roger Lloyd*. Contemp. Rev. Mar., 1948.
- . The battle for postwar France. *Claude Bourdet*. Harper's. Apr., 1948.
- . Internal political struggle in France [in Russian]. *M. Gan*. World Econ. and Pol. [Russian]. Apr.-May., 1948.
- . The French situation. *D. W. Brogan*. Va. Quar. Rev. Spring, 1948.
- Germany. Bavaria's new constitution. *M. Kybal*. World Affairs Interpreter. Autumn, 1947.
- . Some psychological hypotheses on Nazi Germany. *Paul Kecskemeti* and *Nathan Leites*. Jour. of Soc. Psych. Nov., 1947.
- . Corporative occupational organization and democracy in Germany. *John B. Holl*. Pub. Admin. Rev. Winter, 1948.
- . Memo to the conquerors. *Wolfgang Kohler*. Politics. Winter, 1948.
- . German letter. *Ingeborg Woodcock*. Politics. Winter, 1948.
- . German officer's corps. *Peter Calvocoresh*. Nat. Rev. Feb., 1948.
- . Walther Rathenau and the German people. *Arnold Brecht*. Jour. of Politics. Feb., 1948.

- . Some observations on military occupation. *Charles Fairman*. Minn. Law Rev. March, 1948.
- . German antisemitism today. *Richard Hauser*. Am. Mercury. Apr., 1948.
- . Adolf Hitler as feldherr. *Oron J. Hale*. Va. Quar. Rev. Spring, 1948.
- Great Britain. The rôle of the Fabian society in British affairs. *Mary E. Murphy*. So. Econ. Jour. July, 1947.
- . The aim of legal education. *E. C. S. Wade*. Precedents in the court of appeal. *A. L. Goodhart*. Cambridge Law Jour. No. 3, 1947.
- . British responsibilities in central Africa. *H. V. Usill*. World Affairs Interpreter. Autumn, 1947.
- . Parliament and the liberty of the subject. *J. Chester Ede*. Legislatures of the British Pacific Islands. *Harry Luke*. The basis of procedure. *Eric Taylor*. The House of Commons from the chair. *James Milner*. University representation. *T. Lloyd Humberstone*. Parl. Affairs. Winter, 1947.
- . Britain's economic crisis. *Frank Munk*. World Affairs Interpreter. Jan., 1948.
- . Royal demesne, parliamentary taxation, and the realm. *R. S. Hoyt*. Speculum, Jan., 1948.
- . Police coöperation with a burglar alarm system. *Athelstan Popkess*. Footprints—the practical side of the subject. *John N. Reynard*. Police Jour., Jan.—Mar., 1948.
- . Up the austerity way. *S. K. Ratcliffe*. Survey Graphic. Feb., 1948.
- . The death penalty, part II: the case against capital punishment. *Richard O'Sullivan*. Nineteenth Cent. Feb., 1948.
- . The liberal party; looking back and looking forward. *Viscount Samuel*. Contemp. Rev. Feb., 1948.
- . Unifying the British civil service: some trends and problems. *J. E. Hodgetts*. Can. Jour. of Econ. and Pol. Sci. Feb., 1948.
- . United Kingdom: a government recovery. *Editors*. Round Table. Mar., 1948.
- . New dangers to our colonial empire. *Robert Stokes*. Nat. Rev. Mar., 1948.
- . British Commonwealth relations. *Editors*. Round Table. Mar., 1948.
- . Our battle is never won—and never lost. *A. J. Cummings*. Away from the road to serfdom! *Philip Trottergill*. Liberal, Mar., 1948.
- . The protection of human rights in British state practice. *Georg Schwarzenberger*. Rev. of Pol. Apr., 1948.
- . Efficiency at the central government. *D. N. Chester*. The pattern of an intelligence service. *Walter P. Kennedy*. The boundary commission. *N. F. E. Browning*. The ministry of food egg scheme. *S. M. Guffin*. Pub. Admin. Spring, 1948.
- Greece. The struggle for Greece, 1944–1947. *W. H. McNeill*. Current Hist. Feb., 1948.
- . The challenge in Greece. *Thomas Anthem*. Contemp. Rev. Mar., 1948.
- . The plot against Greece. *A. C. Sedgwick*. For. Affairs. Apr., 1948.
- India. India: assassination of Mahatma Gandhi. *Editors*. Round Table. Mar., 1948.
- Indonesia. Truce in Indonesia. *Raymond Kennedy*. Far Eastern Survey. Mar. 24, 1948.
- Iran. Iran after the war [in Russian]. *M. Grigorian*. World Econ. and Pol. [Russian]. Apr.—May, 1948.

- Italy. The Italian socialists. *Richard Gould-Adams*. Nineteenth Cent. Feb., 1948.
- . Italy's new constitution. *G. E. Treves*. Fortnightly. Mar., 1948.
- . Italy, the Marshall plan, and the "third force." *Carlo Sforza*. For. Affairs. Apr., 1948.
- . Italy before the elections to the constituent assembly. *P. Lissovsky*. World Econ. and Pol. Apr.-May, 1948.
- Japan. Japan's American revolution. *Roger N. Baldwin*. Current Hist. Feb., 1948.
- . Neighborhood associations in Japan and their democratic potentialities. *Ralph J. D. Braibanti*. Far East. Quar. Feb., 1948.
- . Reflections on Japan. *W. Macmahon Ball*. Pacific Affairs. Mar., 1948.
- . Japan; tradition and democracy. *Chitoshi Yanaga*. Mar. 24, 1948.
- Kashmir. Objects behind the invasion of Kashmir. *Nanimadhab Chaudhuri*. Mod. Rev. Dec., 1947.
- Mexico. Church and state at the Mexican constitutional convention, 1856-1857. *Walter V. Scholes*. Americas. Oct., 1947.
- New Guinea. Development in New Guinea. *James McAuley* and *H. J. Hogbin*. Far Eastern Survey. Feb. 25, 1948.
- Pakistan. Pakistan strained relations with India. *Editors*. Round Table. Mar., 1948.
- Palestine. Exodus, 1947. *Bruno Bettelheim*. Politics. Winter, 1948.
- . Divide the land and let the people grow. *Ruth Gruber*. Survey Graphic. Feb., 1948.
- . Whither Palestine? part II. *R. W. Van Alstyne*. Current Hist. Mar., 1948.
- Philippines. Financial and economic planning in the Philippines. *Shirley Jenkins*. Pacific Affairs. Mar., 1948.
- Soviet Union. On the use of Soviet statistics. *Harry Schwartz*. Jour. of Am. Stat. Assoc. Sept., 1947.
- . The strength and weakness of Russia. *J. V. Davidson-Houston*. Contemp. Rev. Feb., 1948.
- . Russian mentality. *Adam W. Brand*. Liberal. Mar., 1948.
- . The behavior of soviet school-children: the new rules. *Rose Maurer*. Data on literature published in the USSR. *Bernard L. Kosten*. Am. Rev. on Soviet Union. Mar., 1948.
- . How the Molotov plan works. *Morroe Berger*. Antioch Rev. Mar., 1948.
- . Currency reform in the USSR. *Paul A. Baran*. Harvard Bus. Rev. Mar., 1948.
- . What became of Lenin's dream? *J. Anthony Marcus*. Nation's Bus. Apr., 1948.
- . Soviet imperialism in Hungary. *H. F. A. Schoenfeld*. For. Affairs. Apr., 1948.
- Spain. Spain: the turn of the tide. *E. G. de Caux*. Nineteenth Cent. Mar., 1948.
- Switzerland. The Swiss old-age and survivors' insurance scheme. *Arnold Saxer*. Int. Labor Rev. Nov.-Dec., 1947.
- . Switzerland—"union in partition." *Roger Lloyd*. Nineteenth Cent. Feb., 1948.
- . How labor organized in Switzerland. *Charles Schurch*. Am. Federationist. Feb., 1948.
- Turkey. Political growth in Turkey. *Ellen D. Ellis*. Current Hist. Feb., 1948.

———. Internal political situation in Turkey [in Russian]. *B. Dantzig*. World Econ. and Pol. [Russian]. Apr.–May, 1948.

Venezuela. The new constitution of Venezuela. *Paul A. Colborn*. Bull. of the Pan Amer. Union. Apr., 1948.

INTERNATIONAL RELATIONS

Books and Pamphlets

Aldred, G. A. At grips with war. 3rd ed. Pp. 92. Glasgow: Stuchslund Press. 1947.
Aldunate Phillips, Paul. 3000 delegados en San Francisco. Pp. 321. Santiago de Chile: Zigzag. 1946.

Balink, Albert. My paradise is hell; the story of the Caribbean. Pp. 346. N. Y.: Vista Pub. Co., 597 Fifth Ave. 1948.

Beloff, Max. Foreign policy of Soviet Russia, 1929–1941; v. 1, 1929–36. Pp. 273. N. Y.: Oxford. 1947.

Calvocoressi, Peter. Nuremberg; the facts, the law, the consequences. Pp. 176. London: Chalto & W. 1948.

Cobban, Alfred. National self-determination. Pp. 202. Chicago: Univ. of Chicago Press. 1948.

Cooper, J. D. The coördination of policy and procedure, with emphasis on the problems of public international organizations. Pp. 97. Washington: UNRRA. 1946.

Eagleton, Clyde. International government; rev. ed. Pp. 575. N. Y. Ronald. 1948.

Friedrich, Carl J. Inevitable peace. Pp. 306. Cambridge (Mass.): Harvard Univ. Press. 1948.

Hartnett, R. C., and Payzs, Tibor. The Marshall plan. Pp. 61. N. Y.: Am. Press, 70 East 45th St. 1947.

Isaacs, Asher. International trade, tariff, and commercial policies. Pp. 838. Chicago: R. D. Irwin. 1948.

Jessup, Philip C. A modern law of nations—an introduction. Pp. 244. N. Y.: Macmillan. 1948.

Maas Geesteranus, Henry. The organization of peace; ideas of an old Dutchman. Pp. 62. The Hague: L. J. C. Baucher. 1947.

Macpherscn, Margaret. The philosophical pseudations of free trade. Pp. 31. Seendau: Free Trade Union. 1947.

Potter, Pitman B. An introduction to the study of international organization. 5th ed. Pp. 493. N. Y.: Appleton-Century-Crofts. 1948.

Riddell, W. A. World security by conference. Pp. 216. Toronto: Ryerson. 1947.

Ross, Alf. A text-book of international law. Pp. 313. Sandau: Sangmaus. 1948.

Shearman, Hugh. Anglo-Irish relations. Pp. 288. London: Faber. 1948.

Wallace, Lillian P. The papacy and European diplomacy, 1869–1878. Pp. 358. Chapel Hill: North Carolina Press. 1948.

Articles

Atomic Energy. The search for atomic control. *F. H. Osborn*. Russia, the U. S., and the atom. *A Foreign Observer*. Atlan. Apr., 1948.

British Commonwealth. Two views of empire. *Editors*. Untempered mortar. *Editors*. Britain's rôle in the world today. *Editors*. Round Table. March, 1948.

China. Status of Dairén under the Sino-Soviet agreement of Aug. 14, 1945. *Alwyn V. Freeman*. Am. Jour. of Int. Law. Jan., 1948.

———. Britain and American policy in China. *Jack Chen*. Fortnightly. Feb., 1948.

Czechoslovakia. The forthcoming struggle for Czechoslovakia. *G. E. R. Gedye*. Contemp. Rev. Feb., 1948.

Great Britain. Mr. Bevin and the balance of power. *F. A. Voigt*. Nineteenth Cent. Mar., 1948.

———. British foreign policy and the labor party. *James L. Godfrey*. So. Atlan. Quar. Apr., 1948.

India. India and Pakistan today. *Percival Griffiths*. Nineteenth Cent. Feb., 1948.

———. Kashmir and Afghan frontier. *William Barton*. Nat. Rev. Mar., 1948.

International Conferences. La conferencia internacional de comercio y la política comercial entre las dos guerras mundiales. *A. V. Pardo*. Moneda y Crédito. Sept., 1947.

———. The inter-American statistical institute—summary of the first session. *Editors*. Bull., Pan-Am. Union. Dec., 1947.

———. The Havana trade conference; some basic problems. *L. M. and W. L. N. Am.* Perspective. Mar., 1948.

International Law. Allegiance, diplomatic protection, and criminal jurisdiction over aliens. *H. Lauterpacht*. Cambridge Law Jour. No. 3, 1947.

———. Les droits de l'homme et le crime contre l'humanité. *Aroneanu Eugène*. Der Schutz der Menscheurechte durch die United Nations. *Kurt Stillschweig*. Protection de la paix et codification du droit international. *Persico Giovanni*. Rev. de Droit Int. Jul.-Sept., 1947.

———. The peace of Westphalia, 1648-1948. *Leo Gross*. Am. Jour. of Int. Law. Jan., 1948.

———. The general assembly and the progressive development and codification of international law. *Yuen-li Liang*. Am. Jour. of Int. Law. Jan., 1948.

———. John Bassett Moore. *Edwin Borchard*. Finding international law. *Herbert W. Briggs*. Integrity of international instruments. *Manley O. Hudson*. Am. Jour. of Int. Law. Jan., 1948.

———. The crime of "war-mongering." *Quincy Wright*. Am. Jour. of Int. Law. Jan., 1948.

———. The promise of human rights. *Mrs. Franklin D. Roosevelt*. For. Affairs. Apr., 1948.

———. Roscoe Pound and the science of international law. *Yuen-li Liang*. Tulane Law Rev. Mar., 1948.

———. The protection of the fundamental rights of man. *Charles G. Fenwick*. Bull. of the Pan Am. Union. Apr., 1948.

International Legislation. How can international legislation best be improved. *C. A. Riedl*. Marquette Law Rev. Feb., 1948.

———. International legislation: discussion of methods for its improvement. *Schuyler H. Jackson*. Am. Bar Assoc. Jour. Mar., 1948.

International Trade and Finance. The far eastern commission and its recent developments. *Poelin Dai*. Am. Jour. of Int. Law. Jan., 1948.

———. East-west trade and European recovery. *Tibor Payzs*. America. Feb. 14, 1948.

———. The far eastern commission. *Samuel S. Stratton*. The Bretton Woods institutions in transition. *Klaus Knorr*. The Geneva proposals for an international trade charter. *Herbert Feis*. Int. Organ. Feb., 1948.

———. The case for the free market. *Jacques Rueff*. For. affairs. Apr., 1948.

Marshall Plan. El plan Marshall y la política económica internacional. *Enrique Rodríguez Mata*. Moneda y Crédito. Sept., 1947.

———. The Marshall plan, the U. N., and the United States. *A. Th. Polyzoides*. World Affairs Interpreter. Autumn, 1947.

———. Una condizione di successo del cosiddetto "Plano Marshall." *G. U. Papi*. Economia Internazionale. Vol. 1, no. 1. 1948.

- . American aid to the middle east. *Hans Heymann*. Fortnightly. Feb., 1948.
- . Europe and the Marshall plan. *Mary Saran*. Antioch Rev. Mar., 1948.
- . E.R.P. Conference plans. *Editors*. Worker's wives benefit under new insurance scheme. *Editors*. Welfare as incentive to production offset. *Editors*. Wages, profits, prices. *Editors*. Labour. Mar., 1948.
- . Russia and the Marshall plan. *Andreas Dorpalen*. Va. Quar. Rev. Spring, 1948.
- . New Zealand. New Zealand: some aspects of external affairs. *Editors*. Round Table. Mar., 1948.
- . Palestine. Whither Palestine? *R. W. Van Alstyne*. Current Hist. Feb., 1948.
- . Partition of Palestine. *Thomas J. Hamilton*. For. Policy Rep. Feb. 15, 1948.
- . America and the partition of Palestine. *John E. Uhler*. Cath. World. Mar., 1948.
- . Peace Problems. The international frontier. *H. Duncan Hall*. Am. Jour. of Int. Law. Jan., 1948.
- . Living together in Europe. *G. D. H. Cole*. Fortnightly. Feb., 1948.
- . The prospects of peace. *Wickham Steed*. Contemp. Rev. Mar., 1948.
- . The chessboard of power and politics. *Owen Lattimore*. Va. Quar. Rev. Spring, 1948.
- . Air power and world peace. *Thomas K. Finletter*. Atlan. Apr., 1948.
- . World politics in the mid-twentieth century. *Hans J. Morgenthau*. Rev. of Pol. Apr., 1948.
- . Population. Crowded off the earth. *Fairfield Osborn*. Atlan. Mar., 1948.
- . Public Opinion. Conflict, consensus, confirmed trends, and open choices. *Arthur W. Macmahon*. Am. Pol. Sci. Rev. Feb. 1948.
- . The future of psychological warfare. *Hans Speier*. Pub. Opin. Quar. Spring, 1948.
- . Refugees. A survey of the international refugee organization. *N. R. Fertig* and *D. W. Peters*. World Affairs Interpreter. Autumn, 1947.
- . Regions. The inter-American defense conference. *Paul E. Hadley*. World Affairs Interpreter. Autumn, 1947.
- . Europe this autumn and every autumn. *A. F. Rolle*. World Affairs Interpreter. Autumn, 1947.
- . Mañana in Mexico. *J. B. De Camp*. The conversation on the regulation of inter-American automotive traffic. *Francisco Banda*. Bull., Pan-Am. Union. Nov., 1947.
- . South Asia's opportunity. *H. R. Isaacs*. Mod. Rev. Dec., 1947.
- . The Americas as a regional economy. *Osgood Hardy*. World Affairs Interpreter. Jan., 1948.
- . The inter-American treaty of reciprocal assistance. *Josef L. Kunz*. Am. Jour. of Int. Law. Jan., 1948.
- . Continentalism in world politics. *Buddha Prakash*. Mod. Rev. [India]. Jan., 1948.
- . Re-aligning Europe. *Alice R. Craemer*. Current Hist. Feb., 1948.
- . Action at Lima. *Serafino Romualdi*. Am. Federationist. Feb., 1948.
- . The challenge of Asia. *Robert Payne*. Pacific Affairs. Mar., 1948.
- . Federation in eastern Europe. *S. L. S. Am. Perspective*. Mar., 1948.
- . Unification of the Balkans. *George Pendle*. Fortnightly. Mar., 1948.
- . Czechoslovakia, Poland, Yugoslavia; observations and reflections. *Philip E. Moseley*. Pol. Sci. Quar. Mar., 1948.

- . Britain, America, and the Balkans. *C. M. Woodhouse*. Nineteenth Cent. Mar., 1948.
- . European union and African development. *Douglas Woodruff*. Sound-ing. Mar., 1948.
- . Federal union of Southern Asia. *Fusa*. Freedom and Union. Apr., 1948.
- . The treaty with Japan; a Chinese view. *Chang Hsin-hai*. For. Affairs. Apr., 1948.
- . France, Europe, and peace. *Jacques Soustelle*. For. Affairs. Apr., 1948.
- . Triple play for the middle east. *Kermit Roosevelt*. Harper's. Apr., 1948.
- . The basis of inter-American economic coöperation. *Amos E. Taylor*. Bull. of the Pan Am. Union. Apr., 1948.
- . The coming age of the Pan American system. *Alberto Lleras*. Bull. of the Pan Am. Union. Apr., 1948.
- Soviet Union. The Soviet union and collective security. *D. F. Fleming*. Jour. of Politics. Feb., 1948.
- . Coöperation and controversy among the occupying powers in Berlin. *R. W. Van Wagenen*. Jour. of Politics. Feb., 1948.
- . A study in trade. *Peter Dene*. A modern pharaoh. *W. F. Birom*. Nat. Rev. Feb., 1948.
- . Russia's international position. *Max Beloff*. Fortnightly. Mar., 1948.
- War Crimes. American organization for prosecution of German war criminals. *William F. Thatcher*. Mo. Law Rev., Jan., 1948.
- World Health Organization. World health organization: Introduction. *Brook Chisholm*. Program and accomplishment. *C. E. A. Winslow*. Int. Conciliation. Mar., 1948.
- . World health organization—progress and plans. *H. van Zile Hyde*. Dept. of State Bull. Apr. 4, 1948.
- World Organization. The Pan-American Union and the United Nations. *Alberto Lleras*. Bull., Pan-Am. Union. Nov., 1947.
- . Progress report on the international police force. *T. J. Anderson*. World Affairs Interpreter. Jan., 1948.
- . The twenty-sixth year of the world court. *Manley O. Hudson*. Am. Jour. of Int. Law. Jan., 1948.
- . Social solidarity and the United Nations. *John E. Nordskog*. Sociol. and Soc. Res. Jan.-Feb., 1948.
- . Have faith in the United Nations. *Orie L. Phillips*. Jour. of the Am. Jud. Soc. Feb. 1948.
- . Preliminary draft of a world constitution. *R. M. Hutchins and Others*. Common Cause. Mar., 1948.
- . The world-state fallacy. *G. M. Elliott*. Nat. Rev. Mar., 1948.
- . What our world federalists neglect. *W. G. Carleton*. Antioch Rev. Mar., 1948.

LOCAL GOVERNMENT

Books and Pamphlets

- Bcllens, J. C., Sangdell, Patricia W., and Beulsley, R. W., Jr.* County government organization in California. Pp. 44. Berkeley: Univ. of Calif. 1947.
- Bemis, G. W., and Basche, Nancy.* From rural to urban; the municipalized county of Los Angeles. Pp. 33. Los Angeles: Haynes Found. 1947.
- Doble, R. L.* A guide to the town and country planning act, 1947. Pp. 90. London: Stevens. 1947.

Donnelly, Desmond. The greater London plans in action. Pp. 98. London: Town and Country Planning Assoc. 1947.

Fisher, Edward C. People's court [traffic courts]. Pp. 176. Evanston (Ill.): Northwestern Univ. Traffic Inst. 1948.

Griffiths, P. J. Better towns; a study of urban reconstruction in India. Pp. 98. Allahabad, Kitahistan. 1945.

Harth-Terré, Emilise. Por el fuero de una buena ciudad. Pp. 72. Linia. 1946.

MacCorkle, Stuart A. American municipal government and administration. Pp. 638. Boston: Heath. 1948.

Macnally, Arthur. Local government. Pp. 232. Landar: Methnene. 1948.

Muller, Henry McC. Urban home ownership; a socio-economic analysis, with emphasis on Philadelphia. Pp. 181. Berlin (N.S.): Author. 1948.

Paulsen, F. R. Utah experience with constitutional home rule. Pp. 16. Salt Lake City: Univ. of Utah. 1948.

Ray, Joseph M. Improving government in Dundalk. Pp. 53. College Park: Bur. of Pub. Admin., Univ. of Maryland. 1948.

Stringham, B. H., and James, D. W. Utah experience with the city manager idea. Pp. 12. Salt Lake City: Univ. of Utah. 1947.

Warren, John J. The English local government system. Pp. 182. N. Y.: Macmillan. 1948.

Williamson, David B. New beginnings and new towns. Pp. 22. London: Town and Country Planning Assoc. 1947.

Articles

Administration. Stoughton consolidates municipal offices. *B. A. Mjelds.* The Municipality. Jan., 1948.

Airports. Factors in airport user charges. *L. L. Bollinger.* Pub. Management. Aug., 1947.

———. How to keep the small municipal airport on a self-supporting basis.

Neil Maxwell. Mich. Mun. Rev. Jan., 1948.

———. Municipal airport accounting. *R. M. Pool.* Accounting Rev. Jan., 1948.

———. Local jurisdiction over civil aviation. *R. J. Cunningham.* The Municipality. Mar., 1948.

———. Airport management and compliance. *H. C. Whitney.* Kan. Govt. Jour. Mar., 1948.

———. Progress reported on municipal airport construction and financing. *L. L. Schroeder.* Minn. Municipalities. Mar., 1948.

———. Mutual problems in the development of air transportation services.

James M. Landis. Minn. Municipalities. Mar., 1948.

———. CAA revises airport program. *Editors.* Am. City. Mar., 1948.

Annexation. A lesson in annexation procedure. *A. G. Ballert.* Pub. Management. Aug., 1947.

———. Mandatory annexation of adjoining areas by Virginia city upheld.

Harold I. Baumes. The Municipality. Jan., 1948.

Coöperative Communities. The Macedonia community. *David Newton.* Politics. Winter, 1948.

County Government. A review of the controversy over county executives. *Edward W. Weidner.* Pub. Admin. Rev. Winter, 1948.

James M. Curley. Curley of Boston. *Frank L. Kluckhohn.* Am. Mercury. Apr., 1948.

Finance. The emerging problems of municipal finance. *C. H. Chatters.* Minn. Municipalities. Jan., 1948.

- . Financial plight of our cities. *W. H. Blucher*. Ill. Mun. Rev. Jan., 1948.
- . Tax collections and the trend in economic and business conditions. *C. J. Miller*. N. J. Municipalities. Jan., 1948.
- . The emerging problems of municipal finance. *C. H. Chatters*. Ill. Mun. Rev. Feb., 1948.
- . New Jersey general property tax, 1947. *James A. Arnold, Jr.* N. J. Municipalities. Feb., 1948.
- . How cities can adopt pay-as-you-go financing. *C. A. Harrell*. Pub. Management. Mar., 1948.
- . Real highway user tax amendment needed. *C. C. Ludwig*. Minn. Municipalities. Mar., 1948.
- . The new special assessment procedure. *A. V. Praag, Jr.* Ill. Mun. Rev. Mar., 1948.
- . Rising cost of municipal government. *J. G. Meister*. Facts a financial officer should know. *W. R. Darby*. N. J. Municipalities. Mar., 1948.
- . The desirability of the in rem procedure as a simple, expedient, and economical method of tax foreclosure. *Nicholas Albano*. N. Y. Municipalities. Apr., 1948.
- Fire-Fighting.** Luxemburg's joint fire-fighting plan. *Charles L. Peters*. The Municipality. Mar., 1948.
- General.** This business of local government. *B. H. Faulkner*. N. J. Municipalities. Dec., 1947.
- . Postwar problems of southern cities. *M. H. Satterfield*. Tenn. Planner. Feb., 1948.
- . The community goes into business. *Richardson Wood*. Harvard Bus. Rev. Mar., 1948.
- . Rebuilding our cities—is there any progress? *L. B. Wetmore* and *E. J. Milne*. Am. City. Mar., 1948.
- Juvenile Delinquency.** How municipalities are meeting a current problem. *Perry Williams*. N. J. Municipalities. Mar., 1948.
- Local Government Abroad.** The new local government bill. *Geoffrey Hutchinson*. The Ratepayer. Dec., 1947.
- . Town and country planning. *Evelyn Sharp*. Pub. Admin. Spring, 1948.
- . Race relations without conflict: a Guatemalan town. *John Gillin*. Am. Jour. of Sociol. Mar., 1948.
- Liquor.** Minnesota municipal liquor stores prosper. *C. C. Ludwig*. The Municipality. Apr., 1948.
- . The municipalities' part in enforcing the liquor control act. *O. J. Cleary*. Mich. Mun. Rev. Mar., 1948.
- Mosquitoes.** Mosquito abatement; a modern community service. *T. A. Pascoe*. The Municipality. Apr., 1948.
- Municipal Employees.** Municipal employees pension laws. *A. A. Weinberg*. Ill. Mun. Rev. Apr., 1948.
- Parking.** Municipal parking lots. *Edwin F. Weis*. The Municipality. Mar., 1948.
- . How parking meters operate in practice. *J. Homer Elder*. The Municipality. Apr., 1948.
- Planning.** One number one domestic problem. *Leslie Williams*. N. Y. Municipalities. Jan., 1948.
- . Integrated civic planning . . . how, when, and why? *Ken White*. N. J. Municipalities. Feb., 1948.

- . Urban exodus—a quandary for planners. *E. H. Klaber*. Am. City. Mar., 1948.
- . Current planning problems. *H. W. Alexander*. N. J. Municipalities. Mar., 1948.
- Public Relations. Milwaukee municipal radio program. *William L. Slayton*, The Municipality. Apr., 1948.
- Recreation. Public recreation in Kansas. *J. W. Edwards*. Kan. Govt. Jour. Feb., 1948.
- Research. Touchstone—basic research. *T. L. Blakeman*. N. J. Municipalities. Apr., 1948.
- Slums. The high cost of slums. *Miriam Roher Resnick*. Western City, Feb., 1948.
- State-Local Relations. The new constitution and municipal government. *J. F. Schenck*. N. J. Municipalities. Dec., 1947.
- . Intensive educational campaign climaxes Hopkins' home rule charter project. *J. L. Markham*. Minn. Municipalities. Jan., 1948.
- . Minnesota charter commission submits new charter. *Editors*. Minn. Municipalities. Jan., 1948.
- . 80th congress and municipalities. *D. W. Hanks, Jr.* N. J. Municipalities. Jan., 1948.
- . New plan of state assistance to municipalities. *A. N. Galloway*. N. J. Municipalities. Jan., 1948.
- Townships. Evaluating the new form of government optional for Michigan townships. *Arthur Bromage*. Mich. Mun. Rev. Dec., 1947.
- Wastes. Modesto's answer for industrial wastes. *Bob Calkins*. Western City. Feb., 1948.
- Zoning. Zoning with reason. *T. Ledyard Blakeman*. Western City. Feb., 1948.
- . Private practice of zoning law. *J. F. Livingston*. Mich. State Bar Jour. Mar., 1948.

POLITICAL AND LEGAL PHILOSOPHY

Books and Pamphlets

- Aulén, Bp. Gustaf*. Church, law, and society. Pp. 130. N. Y.: Scribner. 1948.
- Bernard, Theodore S.* Philosophical foundations of India. Pp. 160. London: Rider. 1948.
- Bernstein, Samuel, et al.*, eds. A centenary of Marxism. Pp. 196. N. Y.: Science and Society. 1948.
- Cameron, J. M.* Scrutiny of Marxism. Pp. 128. London: S. C. M. Fr. 1948.
- Clark, John M.* Alternative to serfdom. Pp. 171. N. Y.: Knopf. 1947.
- Cohen, Morris R.* The meaning of human history. Pp. 313. La Salle (Ill.): Open Court. Pub. Co. 1948.
- Cole, G. D. H.* A guide to the elements of socialism. Pp. 39. London: 1947.
- Coyle, Grace L.* Group experience and democratic values. Pp. 185. N. Y.: Warsaw's Press. 1948.
- Dickinson, G. Lowes.* Plato and his dialogues. Pp. 139. London: Penguin. 1948.
- Dunham, James H.* The religion of philosophers. Pp. 314. Philadelphia: Univ. of Pa. Press. 1948.
- Gallacher, William.* The rolling of the thunder. Pp. 230. London: Lawrence. 1948.
- Ginsberg, Morris.* Reason and unreason in society; essays in sociology and social philosophy. Pp. 334. Cambridge: Harvard Univ. Press. 1948.
- Greene, Evarts B.* Church and state. Pp. 54. Indianapolis: National Foundation Press. 1948.

Grene, Marjorie G. Dreadful freedom; a critique of existentialism. Pp. 158. Chicago: Univ. of Chicago. 1948.

Hartz, Louis. Economic policy and democratic thought: Pennsylvania, 1776-1860. Pp. 381. Cambridge (Mass.): Harvard Univ. Press. 1948.

Hume, David. Hume's moral and political philosophy; ed. by Henry D. Atken. Pp. 442. N. Y.: Hafner. 1948.

Joad, C. E. M. Decadence; a philosophical inquiry. Pp. 430. London: Traber. 1948.

Kerwin, Jerome G. The great tradition; the democratic idea. Pp. 91. N. Y.: D. X. McMullen. 1948.

Lawrin, Janko. Nietzsche; an approach. Pp. 146. London: Methuen. 1948.

Maulin, Leo. Socialism of the west; an attempt to lay the foundations of a new socialist humanism. Tr. by Alfred Heron. Pp. 336. London: Gollancz. 1948.

Nearing, Scott. The revolution of our time. Pp. 153. N. Y.: Island Press. 1948.

O'Neill, Ava Maria. Ethics for the atomic age. Pp. 411. Boston: Meador. 1948.

Patrick, D. G. M. Pascal and Kierkegaard; V. I and II, Pp. 233 and 412. London: Sutterwaith. 1948.

Plekhanov, G. V. In defence of materialism. Pp. 304. London: Lawrence. 1948.

Rehwinkel, Alfred M. Communism and the church. Pp. 154. St. Louis. (Mo.): Concordia. 1948.

Romero, José Luis. Las ideas políticas en Argentina. Pp. 236. Mexico: Gaudo de Cultura Económica. 1946.

Rousseau, J.-J. The social contract; an eighteenth-century translation completely rev., ed. with an introd. by Charles Frenkel. Pp. 128. N. Y.: Hafner Pub. Co. 1947.

Schneider, Louis. The Freudian psychology and Veblen's social theory. Pp. 280. N. Y.: King's Crown. 1948.

Schwarschild, Leopold. The red Prussian; the life and legend of Karl Marx; trans. Pp. 382. London: Hamilton. 1948.

Sheen, Fulton J. Communism and the conscience of the west: Pp. 247. Indianapolis: Bobbs-Merrill. 1948.

Sorokin, Pitirim A. The reconstruction of humanity. Pp. 259. Boston: Beacon Press. 1948.

Walsby, M. Domain of ideologies. Pp. 232. London: MacLellan. 1948.

Weaver, Richard M. Ideas have consequences. Pp. 194. Chicago: Univ. of Chicago Press. 1948.

Webb, Beatrice P. Our partnership; ed. by Barbara Drake and Margaret I. Cole. Pp. 556. N. Y.: Longmans. 1948.

Wolff, Hans M. Heinrich von Kleist als politischer Dichter. Pp. 179. Berkeley: Univ. of Cal. Press. 1947.

Wright, David McC. Democracy and progress. Pp. 237. N. Y. Macmillan. 1948.

Articles

Brooks Adams. The unusable man; an essay on the mind of Brooks Adams. *Daniel Aaron.* New Eng. Quar. Mar., 1948.

Calhoun, John C. *Calhoun, Carol L. Thompson.* Current Hist. Mar., 1948.

Capitalism. Two crises of the capitalist system. [in Russian]. World Econ. and Pol. [Russian]. Apr.-May, 1948.

———. The survival of capitalism. *R. F. Brown.* Am. Jour. of Econ. and Sociol. Apr., 1948.

Civilization. Cultural discontinuity. *Jules Henry.* Sci. Mo. Mar., 1948.

———. Man's control over civilization. *L. A. White.* Sci. Mo. Mar., 1948.

- Conservatism.** Government and industry. *R. A. Butler*. Fortnightly. Feb., 1948.
- . Conservatism today. *R. L. Stone*. Nat. Rev. Feb., 1948.
- . Conservatism. *F. E. Utley*. Nat. Rev. Mar., 1948.
- . Conversations in France, parts II & III: Benda on democracy. *E. O. Siepmann*. Nineteenth Cent. Feb., Mar., 1948.
- Economic Theory.** A theory of purposeful obsolescence. *Paul M. Gregory*. So. Econ. Jour. July, 1947.
- . Contribution of psychological data to economic analysis. *George Katona*. Jour. of Am. Stat. Assoc. Sept., 1947.
- . Lerner on the economics of control. *Milton Friedman*. Jour. of Pol. Econ. Oct., 1947.
- . Wage policy in full employment. *H. W. Singer*. Econ. Jour. Dec., 1947.
- . A hundred years of economic thought. *R. F. Harrod*. Soundings. Mar., 1948.
- Jonathan Edwards.** Jonathan Edwards' sociology of the great awakening. *Perry Miller*. New Eng. Quar. Mar., 1948.
- Ethical Theory.** World without ends. *T. S. Gregory*. Dublin Rev. Spring, 1948.
- Existentialism.** The rise of existentialism. *Oliver Evans*. Existentialism versus naturalism and idealism. *Maximilian Beck*. So. Atlan. Quar. Rev. Apr., 1948.
- . From existential existentialism to academic existentialism. *Jacques Maritain*. Sewanee Rev. Apr.-June, 1948.
- Freedom.** The value of freedom, part I. *Karl W. Deutsch*. Am. Scholar. Spring, 1948.
- . The gospel of freedom. *Franz Oppenheimer*. Am. Jour. of Econ. and Sociol. Apr., 1948.
- . The philosophic bases and material circumstances of the rights of man. *Richard McKeon*. Ethics. Apr., 1948.
- Gandhi.** Gandhi. *Mary McCarthy, Nicola Chiaromonte, James Agee, Paul Goodman, Niccolo Tucci, and Dwight Macdonald*. Politics. Winter, 1948.
- . Memories of Gandhi. *H. S. L. Polak*. Contemp. Rev. Mar., 1948.
- . Gobineau. *Ronald Storrs*. Nineteenth Cent. Feb., 1948.
- T. H. Green.** Does the good will define its own content? A study of Green's Prolegomena. *H. D. Lewis*. Ethics. Apr., 1948.
- Herzen.** Alexander Herzen. *Dwight Macdonald*. Politics. Winter, 1948.
- Hobbes.** Relation of Hobbes's metaphysics to his theory of value. *Bertram E. Jessup*. Ethics. Apr., 1948.
- Jurisprudence.** English legal authors before 1700. *H. A. Holland*. Cambridge Law Jour. No. 3, 1947.
- . Natural law and positive law. *H. R. McKinnon*. Law without?—the Kelsen and Hall theories compared. *Meriam T. Rooney*. Notre Dame Lawyer. Jan., 1948.
- . Law, state, and justice in the pure theory of law. *Hans Kelsen*. Yale Law Jour. Jan., 1948.
- . The relation of law to experimental social science. *Thomas A. Cowan*. Univ of Pa. Law Rev. Mar., 1948.
- . Problems relating to the influence of the Roman idea of the veto power in the history of law. *Mitchell Franklin*. Tulane Law Rev. Mar., 1948.
- Laski.** Harold J. Laski: a current analysis. *Max M. Kampelman*. Jour. of Politics, Feb., 1948.
- Liberalism.** The new tasks of the liberal state. *P. Meadows*. Am. Jour. of Econ. and Sociol. Apr., 1948.

———. Liberalism, old and new. *A. Johnson*. *Am. Jour. of Econ. and Sociol.* Apr., 1948.

Marx and Marxism. Karl Marx. *Daniel Villey*. *Rev. Brasileira de Econ.* Dec., 1947.

———. Marx and the communist manifesto. *Matthew Rutland*. *Nat. Rev. Mar.*, 1948.

———. The communist manifesto. *Waldemar Gurian*. *Dublin Rev.* Spring, 1948.

———. The new man—the Marxist and the Christian view. *Henri de Lubac*. *Dublin Rev.* Spring, 1948.

———. The social philosophy of Karl Marx, pt. II. *Abram L. Harris*. *Ethics*. Apr., 1948.

Non-violence. Non-violence for modern man. *Bidhan Chandra Ray*. *Mod. Rev.* Dec., 1947.

D. I. Pisaver. D. I. Pisaver: a representative of Russian nihilism. *Frederick C. Barghoorn*. *Rev. of Pol.* Apr., 1948.

Religion. Religious education; the final curtain? *A. C. F. Beales*. *Dublin Rev.* Spring, 1948.

Romains. Jules Romains despairs of men of good will. *Aaron Schaffer*. *Am. Scholar*. Spring, 1948.

Science. The scientist in our unique society. *James B. Conant*. *Atlan.* Mar., 1948.

Sociological Theory. Foundations of the theory of organization. *Philip Selznick*. *An. Sociol.* Rev. Feb., 1948.

State. The theory of the state as a sovereign juristic person. *Kenneth C. Cole*. *Am. Pol. Sci. Rev.* Feb. 1948.

Suárez. Francisco Suárez. *Julián Marias*. *Dublin Rev.* Spring, 1948.

Supernatural. The supernatural: Father de Lubac's book. *Philip J. Donnelly*. *Rev. of Pol.* Apr., 1948.

Totalitarianism. La ciencia totalitaria. *Valentin Andres Alvarez*. *Moneda y Crédito*. Sept., 1947.

Treitschke. Treitschke in his correspondence, part III. *G. P. Gooch*. *Contemp. Rev.* Feb., 1948.

Trollope. Anthony Trollope's politics. *W. L. Burn*. *Nineteenth Cent.* Mar., 1948.

MISCELLANEOUS

Books and Pamphlets

Mallory, Walter H., ed. Political handbook of the world; parliaments, parties, and press as of Jan. 1, 1948. Pp. 214. N. Y.: Harper. 1948.

Pauli, Herta E. Alfred Nobel: dynamite king—architect of peace. Pp. 323. London: Nicholson. 1948.

Stewart, Irwin. Organizing scientific research for war; the administrative history of the OSDR. Pp. 372. Boston: Little, Brown. 1948.

Toksvig, Signe. Emanuel Swedenborg, scientist and mystic. Pp. 389. New Haven: Yale. 1948.

Vansittart, Peter. Enemies. Pp. 375. London: Chapman and Hall. 1948.

Articles

Atomic Energy. Some economic implications of atomic energy. *Walter Isard*. *Quar. Jour. of Econ.* Feb., 1948.

Social Attitudes. Primary social attitudes, part I. The organization and meas-

urement of social attitudes. *H. J. Eysenck*. *Int. Jour. of Opin. and Attitude Rev.* Sept., 1947.

Teaching Social Science. Citizenship education and the colleges. *Robert A. Walker*. *Am. Pol. Sci. Rev.* Feb., 1948.

———. A laboratory method for teaching public administration. *Robert H. Connery*. *Am. Pol. Sci. Rev.* Feb., 1948.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Civil Service Commission

Construction and analysis of achievement tests, development of written and performance tests of achievement for predicting job performance of public personnel . . . Washington: Govt. Ptg. Off., 1947 [1948]. 292 p. \$1.25.

Commerce Department

Census bureau. Current population reports: Forecasts of the population of voting age, by sex, for the United States, November 2, 1948, with state figures for the population 21 years old and over and under 21 years of age for July 1, 1946. Washington, Govt. Ptg. Off. 1948. 5 p. (processed)

———. Family and individual money income in the United States: 1945. Washington: Govt. Ptg. Off., 1948. 30 p. (processed)

———. National censuses and vital statistics in Europe, 1918-39, annotated bibliography; prepared by Henry J. Dubester . . . Washington: Govt. Ptg. Off., 1948. 215 p. 40c.

Congress

Joint hearings before the subcommittees on home rule and reorganization of the Senate and House committees of the district of Columbia: Home rule and reorganization for the District of Columbia. Washington: Govt. Ptg. Off., 1948. 557 p.
Joint committee on the economic report. Anti-inflation program as recommended in the President's message of November 17, 1947. Hearings . . . Washington: Govt. Ptg. Off., 1948. 643 p.

Joint committee on housing. Housing study and investigation. Final majority report . . . Washington: Govt. Ptg. Off., 1948. 325 p. (80th Cong., 2nd Sess., H. Report no. 1564, part 2.)

———. Study and investigation of housing. Hearings . . . 80th Cong., 1st Sess. . . . Washington: Govt. Ptg. Off., 1948. 3v.

House of representatives. Agriculture committee. Long-range agricultural policy. Hearings . . . 80th Cong., 1st Sess. . . . Washington: Govt. Ptg. Off., 1948. 9 parts.

———. *Education and labor committee*. Restrictive union practices of the American Federation of Musicians. Hearings . . . 80th Cong., 2nd Sess. . . . Washington: Govt. Ptg. Off., 1948. Volume 1. 497 p.

- *Interstate and foreign commerce committee*. Regulations of the office of international trade on export control. Washington: Govt. Ptg. Off., 1948. 160 p.
- *Public lands committee*. Alaska, Hearings before the subcommittee on territorial and insular possessions . . . Washington: Govt. Ptg. Off., 1948. 420 p.
- *Un-American activities committee*. Hearings on proposed legislation to curb or control the Communist party of the United States . . . Washington: Govt. Ptg. Off., 1948. 500 p.
- *Ways and means committee*. Revenue revision, 1947-48, reports of special tax study committee . . . Washington: Govt. Ptg. Off., 1947. 65 p. 15c.
- *State tobacco-tax collections* . . . Washington: Govt. Ptg. Off., 1948. 96 p. ("A bill to assist states in collecting sales and use taxes on tobacco.")
- Senate. Armed services committee*. Universal military training. Hearings . . . Washington: Govt. Ptg. Off., 1948. 1122 p.
- *Banking and currency committee*. Housing. Hearings . . . 80th Cong., 2nd Sess. . . on S. 866. Washington: Govt. Ptg. Off., 1948. 216 p.
- *Finance committee*. Social security status quo resolution. Hearings, 80th Cong., 2nd Sess. . . on H. J. Res. 296 . . . Washington: Govt. Ptg., 1948. 253 p.
- *Foreign relations committee*. European recovery program. Basic documents and background information prepared by staffs of Senate foreign relations committee and House foreign affairs committee . . . Washington: Govt. Ptg. Off., 1947. 211 p. 45c.
- *European recovery program*. Hearings, 80th Cong., 2nd Sess. . . Washington: Govt. Ptg. Off., 1948. Part 2. 999 p.
- *Labor and public welfare committee*. Labor education extension service. Hearings . . . 80th Cong., 2nd Sess. on S. 1390, a bill to broaden the cooperative extension system . . . Washington: Govt. Ptg. Off., 1948. 304 p.
- *Postoffice and civil service committee*. Salaries of government employees. Hearings . . . 80th Cong., 2nd Sess. on S. 1537 . . . Washington: Govt. Ptg. Off., 1948. 69 p.
- *Rules and administration committee*. Hearings . . . 80th Cong., 2nd Sess. on H. R. 29, an act making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers . . . Washington: Govt. Ptg. Off., 1948. 336 p.

Customs Bureau

Collecting customs, summary history of development of tariff in United States and its administration, Aug. 1, 1939, 150th anniversary of 1st federal tariff and organization of customs service. Washington: [1939] 31 leaves (processed)

Federal Reserve System, Board of Governors

The federal reserve system: its purposes and functions. Washington: Govt. Ptg. Off., 1947. 125 p.

Library of Congress

Bibliography of periodical literature on the Near and Middle East. (Fifth number, including index to first four issues, reprinted from the January issue of the *Middle East Journal*.)

Guide to the official publications of the other American republics. V. Colombia. Latin American series no. 33. Washington, 1948. 89 p. 25c.

Legislative reference service. Public affairs bulletins:

- 56. The world food situation. J. K. Rose. Washington, 1947. 111 p. (mim.)

57. Major government lending agencies. G. B. Galloway and others. Washington, 1947. 224 p. (mim.)
58. The St. Lawrence seaway project. F. F. Keyser. Washington, 1947. 61 p. (mim.)
59. Federal excise taxes. R. E. Manning. Washington, 1947. 101 p. (mim.)
60. The industrial economy of the Pacific Coast states. L. G. Bronson. Washington, 1947. 117 p. (mim.)
62. State rent control laws, C. E. Hunter. Washington, 1948. (mim.) (The above are no longer for general distribution.)

President

- European recovery and American aid, report by President's committee on foreign aid. Washington: Govt. Ptg. Off., 1947. 286 p. 60c.
- Higher education for American democracy: V. 1: Establishing goals, report of President's commission on higher education. Washington: Govt. Ptg. Off., 1947. 103 p. 40c. V. 2: Equalizing and expanding individual opportunity, report of President's committee on higher education. Washington: Govt. Ptg. Off., 1947. 69 p. 35c. V. 3: Report . . . Washington: Govt. Ptg. Off., 1947. 74 p. 30 c.
- Report of President's temporary commission on employee loyalty. Washington: Govt. Ptg. Off., 1947. 39 leaves (processed)
- Survival in air age, report by President's air policy commission. Washington: Govt. Ptg. Off., 1947. 166 p. 75c.

Retraining and Reemployment Administration

- Comparative charts of state statutes creating veterans departments or similar agencies . . . Washington: Govt. Ptg. Off., 1947. 39 p. (processed)

Temporary Controls Office

- Historical reports on war administration. Price administration office, General publications 5, 8, 12:
5. OPA and public utility commissions; John A. Bliss. Washington: Govt. Ptg. Off., 1947. 93 p. 25c.
 8. Problems in price control: Pricing techniques, by R. J. Benes and others. Washington: Govt. Ptg. Off., 1947. 286 p. 55c.
 12. Problems in price control. National office organization and management. V. B. Zimmerman. Washington: Govt. Ptg. Off., 1947. 184 p. 35c.
- Historical reports on war administration: War production board special study 27: Dollar-a-year and without compensation personnel policies of war production board and predecessor agencies. J. A. McAleer. Washington: Govt. Ptg. Off., 1947. 115 p.

State Department

- The following in the numbered series of State Department publications have appeared, all from the Government Printing Office, 1948.
2859. American Mexican claims commission. Report to the Secretary of State. 676 pp.
 2970. Liquidation of German property in Sweden. 52p. 15c.
 2991. Foreign service of the United States: educational preparation for foreign service officers and entrance examination. 81p. 25c.
 3025. An international bill of human rights. James P. Hendrick. 30p. (processed)
 3064. Twenty-fifth report to Congress on lend-lease operations: Lend-lease fiscal

operations, March 11, 1941, through June 30, 1947. 77p.

3072. Second year of the United Nations: Rôle of the United States. 10p.

3082. UNESCO and the national commission: basic documents. 17p. 10c.

3101. Second report to Congress on the United States foreign relief program. 62p. 25c.

3108. Work of the United Nations Good Offices committee in Indonesia. 14p.

3112. United States reciprocal trade-agreements program and the proposed trade organization. 7p. 10c.

Foreign relations of the United States, 1932. Volume II. Washington: Govt. Ptg. Off., 1948. lxxxvi, 827p. \$3.00.

Women's Bureau

Political and civil status of women in the United States of America: summary, including principal sex distinctions. Washington: Govt. Ptg. Off., 1948. 6p. 5c.

STATE AND TERRITORIAL

CALIFORNIA

California administrative register. (This appears in parts, sold by the Printing Division, Documents Section, Sacramento, California. It is the California counterpart of the *Federal Register*.)

Personnel board. Pay scales in the California state civil service. 13th ed., Nov. 1, 1947. Sacramento, 1947. 115 p. \$2.00.

Los Angeles. Bureau of the budget and efficiency. Administration, organization, and management of the civil service department . . . Los Angeles, 1948. City Municipal Reference Library. 159 p. (mim.) *Same*: Administrative services, part 5. 1947. 46 p.

Los Angeles. Municipal reference library. The government of the metropolitan areas: a bibliography. Los Angeles, 1947. v.p. (mim.). 15c.

COLORADO

Department of law. Legislative reference office. Organization [chart] of the state government of Colorado. Denver, 1947. 1 sheet.

FLORIDA

Institute of government. The Florida sheriff's manual; a comprehensive guide to the operation of the office. Tallahassee, 1947. 324 p. \$2.50.

ILLINOIS

Secretary of state. Official list of counties and incorporated municipalities of Illinois Jan., 1947. Comp. Edward J. Barrett. Springfield, 1947. 23 p.

MICHIGAN

——— *University of Michigan, Bureau of government*. State and local government and finance related to public libraries; a reading and reference list, by Iona E. Dority. Ann Arbor, 1947. 8 p.

MISSISSIPPI

University of Mississippi, Bureau of public administration. Clarksdale, a fiscal picture, by R. B. Highsaw and M. E. Blagg. University, 1947. 29 p. (Municipal study no. 5). Highlights of state finance, by R. B. Highsaw and E. McK. Johnson,

jr. University, 1948. 51 p. (State administration ser. no. 4). Legislative process: a handbook for Mississippi legislators. M. E. Blagg. University, 1947. 95 p. (State administration series no. 1). Mississippi moneys for the cities; R. B. Highsaw. University, 1947. 60 p. (Municipal study ser. no. 4.)

NEW MEXICO

University of New Mexico, Albuquerque, Dept. of government. Division of research. Symposium on the public lands. T. W. Schultz and others. Albuquerque, 1947. 22 p. 50c.

NEW YORK

Governor. Public papers of Charles Poletti, 50th governor . . . , 1942. Albany, Williams Press, 1947. 197 p.

NORTH CAROLINA

University of North Carolina, Institute of Government. Traffic control and accident investigation. Prepared by the FBI for North Carolina law enforcement officers. Chapel Hill, 1947. 197 p.

OHIO

Ohio State University, Columbus. Budget-making in Brazil, by Arizio de Viana. Tr. from Portuguese by Harvey Walker. Columbus, Ohio State University Press, 1947. 105 p. (Graduate School studies. Publications in comparative public administration, no. 1.)

OREGON

University of Oregon, Eugene. Bureau of Municipal research and service. Summary of the proceedings of the Oregon finance officers association, 11th annual conference . . . Eugene, 1947. 37 p.

PENNSYLVANIA

Philadelphia. City planning commission. Organization and operation of city planning activities in Philadelphia. W. C. Hanna. Philadelphia 7, 1947. 12 p.

SOUTH CAROLINA

University of South Carolina, Bureau of public administration. Publications: (1) A comparative analysis of the constitution of South Carolina, by Christian L. Larsen and Conrad Cowan. Columbia, 1947. 30 p. (2) Aids for state legislators, by Christian L. Larsen and Miles F. Ryan, jr. Columbia, 1947. 41 p. (3) South Carolina public employee retirement systems, by Christian L. Larsen and Conrad Cowan. Columbia, 1947. 30 p.

——— South Carolina's natural resources; a study in public administration, by Christian L. Larsen. Columbia, University of South Carolina Press, 1947. 211 p. ("This volume is presented as the first major study of the bureau of public administration.")

TENNESSEE

University of Tennessee, Bureau of public administration. The administrative release system of the Tennessee Valley Authority, by Herbert F. Gough. Knoxville, 1947. v.p.

——— Public care; a history of public welfare legislation in Tennessee, by Virginia Ashcraft. Knoxville, 1947. 91 p.

VIRGINIA

Advisory Legislative Council. This council has published numerous small memoranda as reports to the governor and general assembly, on such matters of current legislative interest as appeals from the decisions of the state compensation board, fire hazards, form of fire insurance contracts, public schools in Virginia, retirement of local officers and employees, state police, etc.

WASHINGTON

University of Washington, Seattle. Far Eastern institute. Soviet press translations; topical index of articles, vols. 1-2, 1946-1947, supplement to Feb. 1, 1948. 13 p.

FOREIGN AND INTERNATIONAL

ARAB HIGH COMMITTEE DELEGATION FOR PALESTINE

The black paper on the Jewish agency and Zionist terrorism. Memorandum to the United Nations delegations. New York, 4512 Empire State Bldg., 1948. 18 p.

ARGENTINA

Comisión nacional del Antártico. Soberanía Argentina en la Antartida; nota preliminar del presidente de la nación general de brigada Juan Domingo Perón . . . Buenos Aires, Ministerio de relaciones exteriores y culto, 1947. 91 p. illus., maps.

Ministerio del interior. Subsecretaría de informaciones. La política internacional de la Nación Argentina . . . Carlos Alberto Silva. Buenos Aires, 1946. 991 p.
Universidad nacional del litoral. Instituto social, Santa Fé. El problema de nuestros territorios nacionales; contribución a la marcha de la argentinidad. Alberto Baldrich. 2d ed. Santa Fé, 1943. 20 p.

BALTIC NATIONS

Appeal by representatives of the Baltic nations to the general assembly of the United Nations. n.d., n.p., 32 p.

CHILE

Ley num. 8,282 estatuto orgánico de los funcionarios de la administración civil del estado. (Edición del "Diario oficial".) Santiago de Chile, 1947. 124 p.

Universidad de Chile. Latrille Urriola, Fernando: El reconocimiento de los gobiernos de facto como institución jurídica y su evolución en América. Santiago de Chile, 1947. 91 p. (thesis)

——— Torres Gajardo, Inés: Las funciones en el derecho comparado. Santiago de Chile, 1947. 51 p. (thesis)

——— Troncoso Rojas, Hernán: Esquema de la organización de los tribunales Chilenos. Concepción. 1947. 188 p. (thesis)

GREAT BRITAIN

The political history of Palestine under British administration. Memorandum . . . presented in 1947 to the United Nations special committee on Palestine. . . . New York, British Information Services, n.d. 40 p.

Home office. British nationality bill, 1948. Summary. . . . (Cmd. 7326). London: H.M.S.O., 10 p. /3.

POLAND

Polish research and information service, New York. Social legislation in Poland. New York, 1948. 17 leaves (mim.)

Ministry of justice. Review of Polish law. v. 1, number 1, November, 1947. Warsaw, A1, Wyzwolenia 30. This is a new quarterly.

SPAIN

Spanish information bureau, New York. The Marshall plan and Franco . . . New York, Times Building, 1948. 365-74p.

TASMANIA

Legislative council. The Parliament of Tasmania: an historical sketch. C. I. Clark. Pimblett, 1947. 88/30p.

URUGUAY

Ministerio de relaciones exteriores. Conferencia interamericana para el mantenimiento de la paz y la seguridad del continente. Rio de Janeiro, 15 de Agosto-2 de Setiembre, 1947. . . . Informe del Ministro: Tratado interamericano de asistencia reciproca y acta final. Montevideo, 1947. 51p.

PAN AMERICAN UNION

Inter-American commercial arbitration commission. Report, 1938-1947. . . . Washington, Pan American Union, 1947. 451.

The Inter-American system. Washington, Pan American Union, 1948. 32p. illus.

UNITED NATIONS

Conference on trade and employment held at Havana, Cuba, from November 21, 1947, to March 24, 1948. Final act and related documents. Havana, 1948. 76p.

Department of public information. Research section. Membership in the United Nations. Lake Success, N. Y., 1948. 35 p. (mim.) (How a nation becomes a member, etc.)

——— *United Nations Maritime Conference.* Lake Success, N. Y., 1948. 30p. (mim.) (Historical background, objectives, members, agenda, etc.)

Economic and social council. Ad hoc committee on genocide. Cases in which individuals are to be summoned before a criminal court under the convention on genocide. Lake Success, N. Y., 1948. 4 p. (mim.) *Same:* Documents concerning the "Nürnberg principles." Memorandum submitted by the Secretary-General. Lake Success, N. Y., 1948. 8p. (mim.)

——— *Commission on human rights. Second session.* Report of the working party on an international convention on human rights. Lake Success, N. Y. 1947. 15p. (mim.)

——— *Draft international covenant on human rights.* Lake Success, N. Y. 1947. 13p. (mim.) *Same:* Draft annex A. Lake Success, N. Y., 1947. 13p. (mim.)

——— *Commission on the status of women.* Constitutions, electoral laws, and other legal instruments relating to the franchise of women and their eligibility to public office and functions. Lake Success, N. Y. 1947. 18p. (mim.)

——— *Preliminary report on the political rights of women.* Lake Success, N. Y. 1947. 81p. (mim.)

——— *Convention on the intergovernmental maritime consultative organization.* Lake Success, N. Y., 1948. 28p. (mim.)

- *Economic commission for Europe*. . . Relations with the Allied control authorities in Germany. Lake Success, N. Y. 1948. 21p. (mim.)
- Prevention and punishment of genocide: historical summary. Lake Success, N. Y., 1948. 50p. (mim.)
- Report of the Secretary-General on establishing United Nations research laboratories. Lake Success, N. Y., 1948. 356p. (mim.)
- *Social committee*. Legal opinion on the question whether Spain has ceased to be a member of the International penal and penitentiary commission. Note by the Secretary-General. Lake Success, 1948. 3p. (mim.)
- *Third session*. Report . . . on the allocation of functions among the various organs concerned in the field of migration. Lake Success, N. Y., 1948. 99p. (mim.)
- *U. N. Conference on freedom of information*. Laws of libel. Lake Success, N. Y., 1948. 13p. (mim.) *Same*: Memorandum concerning codes of honour for journalists and encouraging standards of professional conduct. Lake Success, N. Y., 1948. 34p. (mim.) *Same*: Memorandum concerning an international court of honour for journalists. Lake Success, N. Y. 1948. 11p. (mim.)
- Economic and social council*. Final act of the United Nations maritime conference. Lake Success, N. Y., 1948. 20p. (mim.)
- General assembly*. Coördination of the privileges and immunities of the United Nations and of the specialized agencies. Lake Success, N. Y., 1947. 21p. (text in French and English).
- Official records of the second session . . . Supplement no. 10: Proposed trusteeship agreement for the mandated territory of Mauru . . . Lake Success, N. Y., 1948. 3p. (text in French and English).
- Scientific conference on the conservation and utilization of resources*. Provisional programme. Lake Success, N. Y. 1948. 42p. (processed.)
- Security council. Committee on good offices on the Indonesian question*. First interim report . . . to the Security council. Lake Success, N. Y., 1948. 113p. (mim.)
- Letter from the Jewish agency for Palestine dated 29 March, 1948 . . . a memorandum on acts of Arab aggression. Lake Success, N. Y., 1948. 21p. *Same*: Supplementary memorandum on acts of Arab aggression . . . Lake Success, N. Y., 1948. 28p.
- Letter from the representatives of the United Kingdom and the United States dated 17 February, 1948 . . . transmitting the report of the administration of the British-United States zone of the Free Territory of Trieste. Lake Success, N. Y., 1948. 46p. (mim.)
- Sub-commission on statistical sampling*. A brief statement on the uses of sampling in censuses of population, agriculture, public health, and commerce. Lake Success, N. Y., 1948. 15 p. (processed.)
- Trusteeship council*. Draft statute for the city of Jerusalem as amended . . . Lake Success, N. Y., 1948. 22p. (mim.) *Same*: Question of the statute for the city of Jerusalem. Lake Success, N. Y., 1948. 19p. (mim.)

NOTES ON SOME RECENT DOCUMENTARY MATERIALS

JAMES B. CHILDS

Library of Congress

The establishment of the new Moslem state of Pakistan in the subcontinent of India, with capital at Karachi in the Sind province, was officially heralded in two

extraordinary numbers of *The Gazette of Pakistan*, both dated August 15, 1947. The first issue contains the proclamation that Qaed-i-Azam Mohamad Ali Jinnah had taken office as Governor-General on that date. In the second issue is the notification of the Governor-General "that the government of Pakistan will have the following ministries: (1) Foreign affairs and commonwealth relations; (2) Defense; (3) Finance (4) Communications; (5) Commerce, industries, and works; (6) Food, agriculture, and health; (7) Interior, information, and education; and (8) Law and labour."

Early in September, a ministry of relief and rehabilitation of refugees was set up. In the third issue, dated August 17, 1947, are printed the reports of the Punjab and Bengal boundary commissions, each accompanied by a map. In the extraordinary issue of September 1 is reprinted from the *Gazette of India*, extraordinary, August 14, the "Pakistan (provisional constitution) order 1947." *The Gazette of Pakistan*, printed only in English, is available from the Controller of Printing and Stationery, Pakistan, at Karachi.

Under the new constitution of Japan, effective in May, 1947, six months after its promulgation on November 3, 1946, the new National Diet continues the practice of issuing the debates of the two houses also in English as *Minutes of Proceedings*, printed in a special series for each house as extra numbers of the English edition of the *Official gazette*. English editions of the Japanese parliamentary debates were first issued for the 90th Imperial Diet, which began to sit in May, 1946. "The Diet shall be the highest organ of state power and shall be the sole law-making organ of the State," according to the new constitution, and shall consist of a House of Representatives (four-year terms) and a House of councillors (six-year terms), both elected by all the people, peers and peerage no longer being recognized. Law 11, sanctioned February 22, 1947, provided for the election of the members of the House of Councillors, 150 to be elected from prefectural constituencies and 100 from the national constituency (at large). Law 43, sanctioned March 31, 1947, amended the law for the election of members of the House of Representatives. In no. 322 of the English edition of the *Official gazette*, dated April 30, 1947, is not only the Diet law itself (law 79, sanctioned April 28), but laws 80-85 inclusive, providing for payment of members of the houses, for expenses of witnesses called to the houses for Diet contingent funds, for Diet secretariat, for Diet library, and for Diet secretariat personnel. On May 20, 1947, the two houses of the National Diet assembled for organization, and were formally opened by the Emperor at the sixth meeting on June 23. In the House of Councillors, Jiichiro Matsumoto, on being inducted as vice-president, mentioned that ten years previously he had introduced a note of interpellation proposing to abolish the House of Peers and that now the House of Peers and the system of peerage had been purged. Tetsu Katayama was jointly nominated by the two houses to the Emperor as prime minister. On June 30, the House of Representatives, at the 7th sitting, adopted new rules of procedure, but did not print the text of the rules in the *Minutes of Proceedings*. Apparently the texts of legislative bills and resolutions are printed only in the Japanese edition of the debates, published as supplements to the *Kampo* (official gazette), thus at times making it somewhat difficult to follow the implication of action on bills through the English edition. Progress on legislation at the 1st session of the National Diet which ended in December, 1947, seems to have been slow. In passing, it may be noted that the 92nd session of the Imperial Diet, which closed on March 31, 1947, after having been sitting for a month and a half, was the last one under the constitution of 1890 and the final one for the House of Peers.

Resumption of civil administration for the Portuguese colony of Timor in Indo-

nesia was marked by the appearance of no. 1, dated October 26, 1946, of year XLVII, of the *Boletín oficial da colônia de Timor*, published weekly at the Imprensa Nacional in Dili. In the *Boletín oficial* are included not only the decrees and orders of the colonial government but the acts and decrees of the home government applicable in the colony as well as the *Actas* (proceedings) of the Conselho do governo da colônia in the form of a separate supplement. After the declaration of war, the *Boletín oficial* was suspended with 1942, no. 12, and there seems to have been no publication of an official gazette during the time of the occupation. Owing to the destruction and unhealthy conditions in Dili, the capital of the colony is to be transferred to a higher and healthier location called Nova Dili.

A special report of the Military Governor, United States zone in Germany, entitled *Elections in Germany (text and graphics)*, issued in a revised edition March 15, 1947, "endeavors to provide in usable form the basic statistical data concerning elections and referenda held in the various zones of Germany during 1946." In addition to a text of 22 pages, there are seven maps devoted to "spatial pattern of political behavior," five for the U. S. zone, one for the four zones, and one for Berlin.

In the British zone of Germany, the *Steuer- und Zollblatt herausgegeben mit Genehmigung der Militärregierung von der Leitstelle der Finanzverwaltung für die britische Zone*, issued at Hamburg not more frequently than once a week nor less frequently than once a month, beginning with Jahrgang I, no. 1, April 27, 1946, furnishes the records of the regulations of an all-zonal authority. This head office for tax administration, called in brief Finanzleitstelle, was created by Ordinance 24, effective in March, 1946, taking over for the British zone the powers of the former Reichsfinanzministerium under the Reichsabgabenordnung and its subsidiary legislation. The *Steuer- und Zollblatt* (replacing the *Reichssteuerblatt* and the *Reichszollblatt* of the Reichsfinanzministerium which were discontinued in the early part of 1945) includes in English and German text the customs and tax legislation, regulations, orders, administrative instructions, court decisions, and rulings of the Finanzleitstelle.

Record of another all-zonal agency in the British zone paralleling a former Reich ministry is to be found in the monthly *Arbeitsblatt für die britische Zone*, published beginning with a combined no. 1-2 in February, 1947, by the Zentralamt für Arbeit at Lemgo, containing labor legislation, decrees, and regulations as well as articles and book reviews, somewhat after the fashion of the *Reichsarbeitsblatt* of the former Reichsarbeitsministerium, which had ceased publication in the first part of 1945.

Under the title *Österreichische Behörden nach dem Stande vom April 1947*, the Staatsdruckerei at Vienna has published an official directory of the government of the republic of Austria (322 p., price: 8 schilling). This includes not only the members of the cabinet and of the legislative chambers, the officials of the courts, the heads of bureaus and other subdivisions of the ministries, of the national institutions, the principal officers of the recognized church bodies and of the official organizations of industry, of labor, of agriculture, and of professions, as well as the principal officials and members of legislative bodies for the eight provinces and Vienna. There is an index to names, but not to agencies. An earlier edition was issued as of July, 1946, and it is quite possible that this directory may be published annually, as was the *Österreichischer Amts-Kalender* previous to the Anschluss in March, 1938.

For the Norwegian parliamentary election of 1945, the results published under the title *Stortingsvalget, 1945, Elections en 1945 pour le "Storting," utgitt av Stortingets kontor* (Oslo, 1947, 141 p.) as *Norges offisielle statistikk*, x, 132, follow the plan of the previous reports on the elections of 1921, 1924, 1927, 1933, and 1936, and give at the end comparative summary tables for the elections of 1921-45. For each constituency, the lists of each party are shown as well as the lists of those elected. For the Storting itself, there is a biographical directory with portraits under the title *Stortinget 1946-1949* (Oslo, 1946, 116 p.), arranged by electoral districts. The directory is prepared by Vilhelm Haffner, former parliamentary archivist, in continuation of the series begun with the period 1900-03. A brief directory also seems to be printed more frequently, the latest edition having the title *Stortinget, 1947; Fortegnelse over representanter, addresser (pr. 1. Mars 1947), partier, regjeringen* (27 pl). A pamphlet edition of rules (43 p.) was printed in 1946 under the title *Stortingets forretningsorden med bevilgningsreglement*.

For the Free Territory of Trieste, constituted under article 21 of the treaty of peace between the Allied and Associated Powers and Italy, vol. 1, no. 1, of the *Official Gazette* of the Allied Military Government, British-United States Zone, Free Territory of Trieste, dated September 16, 1947, was issued almost simultaneously with the setting up of the jurisdiction, the A.M.G. being continued until the assumption of office by a duly appointed governor of the Free Territory. The *Official Gazette*, issued in English, Italian, and Slovene editions on the 1st, 11th, and 21st of each month, consists mainly of the orders of the Chief Civil Affairs Officer, and is similar to the *Allied Military Government Gazette* for the A.M.G. of Venezia Giulia, of which the final issue was vol. 2, no. 23, dated September 14, 1947.

For Cyrenaica, the eastern section of the former Italian Libya, now under British military administration with seat at Benghazi, the legislation and regulations are published in the semi-monthly *Cyrenaica gazette*, of which there is also an Arabic edition. Under the date of November 22, 1945, a compilation of the revised military legislation for that jurisdiction was printed by the Government press, Tripolitania, as vol. 3 (1945) of the *Cyrenaica gazette*, containing in 150 pages Proclamations no. 81-124, Regulations no. 3-13, and General notices no. 37-57. Proclamation 81 on revision and interpretation revoked all enactments of the military administration and provided that Proclamations no. 82-123 and Regulations no. 3-8 should come into force on February 1, 1946. Volume 3 was issued also in Arabic. General notice no. 13 of 1946 (April 27) provided that as of May 1, 1946, proclamations, regulations, and general notices were no longer to be printed in poster form and that as of June 1, 1946, the *Cyrenaica gazette* was to be published twice a month.

For Tripolitania, the western section of the former Italian Libya, under British military administration with its seat at Tripoli, a compilation of the revised military legislation was printed by the Government press, Tripolitania, as a 104-page special issue of the *Tripolitania gazette* as of December 31, 1945, including Proclamations no. 100-141, Regulations 23-36, and Regulations by port manager no. 7-10. The *Tripolitania gazette* is printed in three separate editions—English, Arabic, and Italian.

For Nigeria, the volume of *Legislative council debates, first session, 20th, 21st 22nd, 24th, 25th March, and 2nd April, 1947* (Lagos, Government printer, 1947, 330 p.) marks the first session under the new Nigerian constitution with a body representative of the whole country, having a majority of unofficial members. The dis-

patch of Sir Arthur Richards, governor of Nigeria, to the Secretary of State for the Colonies on the reform of the constitution, dated December 6, 1944, was presented to the Legislative Council on March 5, 1945, as Sessional paper no. 4 of 1945 under the title *Political and constitutional future of Nigeria* (10 p.), and also published in London by H. M. Stationery Office as Cmd. 6599 under the title *Proposals for the revision of the Constitution of Nigeria*. In the *Legislative council debates, twenty-third session, 5th, 6th, 7th, 8th, 9th, 16th, 17th, 19th, 20th, 22nd, and 24th March, 1945*, the discussion concluding with the unanimous approval of the proposals for reform and the recommendation for adoption is contained on pp. 494-544. The constitution itself is composed of several documents. The main ones were promulgated at London on August 2, 1946, and printed at Lagos as a special 57-page supplement to the *Nigeria gazette* extraordinary, vol. 33, no. 50, September 9, 1946: Nigeria letters patent, 1946; Nigeria (protectorate and Cameroons) order in council; Instructions under the royal sign manual and signet; Nigeria (Legislative Council) order in council; etc. Among the principal features of the new constitution of Nigeria, with an area on the west coast of Africa of the size of France, Belgium, and the United Kingdom combined, is (a) the new Legislative Council representative of the whole country and legislating for it, (b) a regional House of Assembly in the Eastern provinces at Enugu, in the Western provinces at Ibadan, and in the Northern provinces at Kaduna, with also a House of Chiefs in the Northern provinces, and (c) an African majority in the Legislative Council and in the houses of assembly. The 24th session of the Legislative Council, December 9th-12th, 1946, was the final one under the old constitution, the *Debates* being printed in a brochure of 79 pages. Of the regional houses of assembly, the *Debates* of the Western House of Assembly at Ibadan are the first to have been printed by the Government Printer at Lagos. In the houses of assembly, the standing rules may contain provision concerning the official language or languages to be used, and in the houses of the Northern provinces, one of the official languages shall be Hausa.

For Jamaica, the volume of *Minutes of the first session of the Jamaica house of representatives, 9th January, 1945-11th June, 1946* (Kingston, Government printer, 1947) has special significance as the journal of the first legislative body in the British West Indies to be elected on a manhood and womanhood suffrage basis, and is paralleled by a volume of *Minutes of the first session of the legislative council of Jamaica, 9th January, 1945-1st July, 1946* (Kingston, Government printer, 1946). Under the "Jamaica (constitution) order in council, 1944," promulgated in London on October 27, and published together with two related letters patent and instructions on pp. 635-654 of the *Jamaica Gazette*, extraordinary, November 17, 1944 (vol. LXVII, no. 70) becoming effective on November 20, a House of Representatives of thirty-two members, elected by universal suffrage was created, and the existing Legislative Council was recreated to consist of three ex officio members, not more than two official members, and not less than ten unofficial members. Among the thirty-two members of the House of Representatives, it may be noted that one woman was elected. Debates of the two chambers are printed in full from day to day in the *Daily Gleaner*, Kingston, and published in annual volumes by authority for each house by the *Daily Gleaner* under the title *Jamaica Hansard: Proceedings*. . . . On November 18, 1944, just before the new constitution became effective, the old legislative council was dissolved, and the following is the title of the journal of the final session: *Minutes of the Legislative council of Jamaica for the year 1944 (68th session as established by Order in council, October 3, 1895)*. In the annual volumes of *The Laws of Jamaica*, beginning with 1945, the formula of enactment reads as follows:

OFFICERS OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION

President

Henry R. Spencer
Ohio State University

Vice-Presidents

ESTES KEFAUVER
U.S. House of
Representatives

HANS KELSEN
University of California

ROSCOE C. MARTIN
University of Alabama

Secretary-Treasurer

HARVEY WALKER
Ohio State University

Managing Editor

FREDERIC A. OGG
University of Wisconsin

EXECUTIVE COUNCIL

Above-named officers *ex officio*

RALPH J. BUNCHE
Howard University
ROBERT H. CONNERY
Stanford University
CHARLES MCKINLEY
Reed College
C. PERRY PATTERSON
University of Texas
HAROLD S. QUIGLEY
University of Minnesota
TAYLOR COLE
Duke University
GEORGE A. GRAHAM
Princeton University

LLEWELLYN PFANKUCHEN
University of Wisconsin
JOHN A. VIEG
Pomona College
BELLE ZELLER
Brooklyn College
HAROLD F. ALDERFER
Pennsylvania State College
BEN M. CHERRINGTON
University of Denver
MERLE FAINSOD
Harvard University
JOSEPH M. RAY
University of Maryland

JASPER B. SHANNON
University of Kentucky

FORMER PRESIDENTS

FRANK J. GOODNOW
ALBERT SHAW
FREDERIC N. JUDSON
JAMES BRYCE
A. LAWRENCE LOWELL
WOODROW WILSON
SIMEON E. BALDWIN
ALBERT BUSHNELL HART
W. W. WILLOUGHBY
JOHN BASSETT MOORE
ERNST FREUND
JESSE MACY
MUNRO SMITH
HENRY JONES FORD

PAUL S. REINSCH
LEO S. ROWE
WILLIAM A. DUNNING
HARRY A. GARFIELD
JAMES W. GARNER
CHARLES E. MERRIAM
CHARLES A. BEARD
WILLIAM B. MUNRO
JESSE S. REEVES
JOHN A. FAIRLIE
BENJAMIN F. SHAMBAUGH
EDWARD S. CORWIN
WILLIAM F. WILLOUGHBY
ISIDOR LOEB

WALTER J. SHEPARD
FRANCIS W. COKER
ARTHUR N. HOLCOMBE
THOMAS REED POWELL
CLARENCE A. DYKSTRA
CHARLES GROVE HAINES
ROBERT C. BROOKS
FREDERIC A. OGG
WILLIAM ANDERSON
ROBERT E. CUSHMAN
LEONARD D. WHITE
JOHN M. GAUS
WALTER F. DODD
ARTHUR W. MACMAHON

Copies of back issues of the **AMERICAN POLITICAL SCIENCE REVIEW** can be obtained at the following prices: Vol. I-X (1906-1916); \$1.50 per copy, except Feb., May, Aug., Nov. 1907, May 1908, Aug. 1910 and Nov. 1911, which are \$3.00 each. Vols. XI-XXV (1917-1931), \$1.25 per copy, except Feb., Aug. 1917, Nov. 1924, Feb., May, Aug. and Nov. 1925, Feb. 1926, Feb., May and Nov. 1927, Nov. 1928, May, Aug. 1929, May, Nov. 1930, Feb. and Nov. 1931, \$1.50 each; Feb. 1928 and Nov. 1929, \$3.00 each. Vols. XXVI (1932) and following \$1.00 per copy, except Feb. and Apr. 1932, Feb., June, Aug., Oct., Dec. 1934, all issues 1935, 1936, and 1937, Feb., June, Aug. and Dec. 1938, Feb., Apr., June, Aug., Oct. 1939, Apr., Oct., Dec. 1940, Aug. and Dec. 1943, \$1.50 each; Feb. 1940, Feb. 1941, Oct. 1943, Feb., Apr., June 1944, Oct. 1945, Feb., Aug. and Oct. 1946, \$3.00 each. General Index, Vol. I-XX, \$1.00. Complete Volumes XII-XXI, \$5.00 per vol.; prices for other complete volumes furnished on request. Postage extra. Prices are subject to change. Some early issues are no longer available. Address: Harvey Walker, Secretary-Treasurer, American Political Science Association, 100 University Hall, Ohio State University, Columbus, Ohio.

WANTED

Back Issues of the Review

Only copies in good condition will be accepted.

Five dollars will be paid for the November 1906 issue, Vol. I, No. 1.

Fifty cents will be paid for each copy of the following issues: Feb., May, Aug. and Nov. 1907; Feb., May and Nov. 1908; Feb., May, Aug. and Nov. 1909; Aug. 1910; Nov. 1911; Nov. 1931; Feb. 1940; Feb. 1941; Feb., Oct. and Dec. 1943; Feb., Apr. and June 1944; Oct. 1945; Feb., Aug. and Oct. 1946; Feb., 1948.

Twenty-five cents will be paid for the following issues: Feb. 1917; Feb., May and Nov. 1927; Feb. 1928; May, Aug. and Nov. 1929; Feb. and Dec. 1934; Dec. 1935; Feb., Apr., June, Aug., Oct. and Dec. 1936; Feb. and Oct. 1937; June 1938.

HARVEY WALKER, Secretary-Treasurer
100 University Hall, Ohio State University
Columbus, Ohio

NEW, THOROUGHLY REVISED, 1948 EDITION

*"The best available commentary
on the Constitution"*

—REVIEW OF POLITICS

THE
CONSTITUTION
AND
What it Means Today
by Edward S. Corwin

The classic handbook on the Constitution, brought completely up to date, including all wartime and post-war changes in interpretation up to January 1, 1948.

*Ninth edition, \$3.00
At your bookstore*



PRINCETON
University Press,
Princeton, N.J.



Europe on the Move

War and Population Changes, 1917-47

By EUGENE M. KULISCHER

A new approach to the origins of World War II, based on the thesis that war and migration are intimately connected. The author, a prominent demographic expert, concludes that regulated migration is a necessary measure for the prevention of war.

With maps, \$5.00

History: A Guide to Peace

By ERNO WITTMANN

Here is a provocative and disturbing evaluation of present-day political and social trends, with a detailed examination of the economic, social, and psychological causes of past wars. The author finds too much diversity of interest in the world at present for a world state.

With maps, \$5.50

American Diplomacy and the War of the Pacific

By HERBERT MILLINGTON

American relations with South America during a brief but important period (1879-1883), analyzed in this study, help explain some of the anti-United States feeling still persisting in Chile, Peru, and Bolivia. *Studies in History, Economics and Public Law, No. 535.*

\$2.50

American Interest in Cuba 1848-1855

By BASIL RAUCH, *Assistant Professor of History, Barnard College*

Assembled here for the first time is known and new material to reveal the integral unity of the movement to annex Cuba, from President Polk's offer of purchase to outright demands for conquest. *Studies in History, Economics and Public Law, No. 537.*

\$3.75

COLUMBIA UNIVERSITY PRESS

Publishers of the COLUMBIA ENCYCLOPEDIA

How to Predict Elections

By LOUIS H. BEAN

Economic Advisor to Secretary of Agriculture

CONTENTS

- | | |
|--|--|
| 1. Politics in a Statistical Mirror | 9. Issues That Divide |
| 2. Political Tides, In and Out | 10. As Your State Goes, So Goes the Nation |
| 3. The New Deal Tide | 11. Who Gets the Electoral Votes? |
| 4. The President's "Coat Tail" | 12. Predict If You Must |
| 5. Ringing Doorbells | 13. Why Polls Go Right and Wrong |
| 6. When Business Cycle Meets Political Cycle | 14. 1948 and the Incoming Tide |
| 7. The Power of Third Parties | Statistical Appendix |
| 8. Political Patterns | |

JULY; approx. 192 pages, with 26 charts; \$1.90 text

Politics in the Empire State

By WARREN MOSCOW

In this book, useful as a text in New York and as supplementary reading elsewhere, the former Albany correspondent of the *New York Times* describes the government of his state. He emphasizes particularly what has happened in New York since the days of Al Smith. Neither a manual nor yesterday's political gossip, this book reveals the grass roots of New York politics.

AUGUST; over 300 pages; \$2.25 text

Plunkitt of Tammany Hall

By WILLIAM L. RIORDON

Introduction by ROY V. PEEL, Indiana University

To any student of American government and political parties, this wise and witty little classic will show what makes the wheels go round in political machines. The book consists of "very plain talks on very practical politics" by the old Tammany boss and philosopher, George Washington Plunkitt. Professor Peel's introduction puts his work in the perspective of municipal politics today and yesterday.

SEPTEMBER; approx. 200 pages; \$1.90 text

EXAMINATION COPIES ON REQUEST

College Department
ALFRED A. KNOPF

501 Madison Avenue
NEW YORK 22



Ready in August

Politics Among Nations

The Struggle for Power and Peace

By HANS J. MORGENTHAU
University of Chicago

This new textbook is a comprehensive but non-historical survey of international politics, a systematic account of its elements and general nature which emphasizes the struggle of sovereign states for power and peace.

The purpose of the book is twofold. The first is to detect and understand the forces which determine political relations among nations, and to comprehend the ways in which those forces act upon each other and upon international relations and institutions. The second is to understand the problems which confront American foreign policy in our time when the greatest accumulation of power ever known gives to the problem of peace an urgency it has never had before.

Everything essential that has been conventionally taught and studied in courses on international politics is treated in this book. But the author, drawing upon what he teaches at the University of Chicago, attempts to be more systematic and reflective, and to induce his readers to think about the fateful problems of our generation in organizing peace and limiting power by diplomacy, public opinion, and law.

Over 500 pages; \$4.00 text

A postcard will reserve your examination copy

College Department
ALFRED A. KNOPF

501 Madison Avenue
NEW YORK 22



AMERICAN LOANS IN THE POSTWAR PERIOD

LAURE METZGER

A critical evaluation of America's foreign lending activities from VE-Day to the enunciation of the "Marshall Plan" in the summer of 1947 is presented in this comprehensive study of a most important phase of foreign affairs. The problem of political loans and the shift in American foreign policy on this subject is treated in a special chapter.

In print

Paper-bound

\$.50

* * *

AMERICANS IN CHINA: SOME CHINESE VIEWS

THURSTON GRIGGS

A survey of Chinese press opinion on American activities in China since the end of the war, illustrating the divergency of views within the Kuomintang which are now disrupting the unity of that Party.

In print

Paper-bound

\$.75

FOUNDATION FOR FOREIGN AFFAIRS

1136 18th St. N.W., Washington, D.C.

CURRENT READINGS ON INTERNATIONAL RELATIONS

(A SEMI-ANNUAL PUBLICATION)

Edited by NORMAN J. PADEFORD, Massachusetts Institute of Technology

Ready for Summer School

ISSUE NO. 4

Cloth bound—\$1.75*

Paper bound—\$1.25*

*Subscription price for four or more issues

ORDER YOUR COPIES TODAY

ADDISON-WESLEY PRESS INC.

Kendall Square, Cambridge 42, Mass.

favorite with students and professors—

ELEMENTS OF PUBLIC ADMINISTRATION

Morstein Marx and collaborators

fied and systematic treatment which professors praise as:

- "An exceptionally good product of collaboration by competent scholars . . . that approaches more nearly the material that should be included than any of the present texts."
- "A fresh and clarifying presentation."
- "An excellent job of humanizing many phases of the administrative process."
- "Both scholarly and readable."

sions: Columbia, Stanford, Cornell, Princeton, Syracuse, Georgetown, Harvard, Rutgers cities . . . University of California (Berkeley and Los Angeles), Ohio State University, York University, Chicago University, University of Pittsburgh, Universities of Illinois, Carolina, Iowa, Delaware, Michigan, Minnesota, Indiana, Texas, Virginia, Colorado, nsin . . . Dartmouth, Vassar, Wellesley . . . Virginia Polytechnic Institute . . .

637 pages

6" x 9"

AMERICAN GOVERNMENT

F. Reed West, George Washington University

well-organized text provides a definitive picture of our governmental oration and political problems—with heavy emphasis on constitutional its. The federal and state governments are presented separately, but d where there is a merging of the functions of those two bodies. It avoids onfusion of arbitrary separation, and promotes a better understanding of merican system.

816 pages

6" x 9"

CENTRAL-EASTERN EUROPE: Crucible of World Wars

Joseph S. Roucek, Hofstra College, and Associates

p-to-the-minute account of all significant aspects of the entire region east Germany—stressing the important trends between World Wars I and II.

Indispensable . . . to an understanding of a region rightly described as Crucible of World Wars' ".—Emil Lengyel

784 pages

6" x 9"

Send for your examination copies today

**PRENTICE-HALL, INC., 70 FIFTH AVENUE
NEW YORK 11, N. Y.**



Available For Immediate Delivery, Useful As Supplementary Texts

(Paper Bound Reprints from THE JOURNAL OF POLITICS)

THIRD PRINTING—

POST-WAR GOVERNMENTS OF EUROPE

Edited by DAVID FELLMAN

\$1.25 text

168 pages

\$1.50 trade

AND

POST-WAR GOVERNMENTS OF THE FAR EAST

(12 articles from November 1947 issue)

\$1.50 text

274 pages

\$1.75 trade

THE BRITISH COMMONWEALTH OF NATIONS

Edited by WALTER H. BENNETT

Price 40¢

58 pages

AVAILABLE SOON—A Symposium on

THE SOUTH TODAY

Containing 13 articles from the May 1948 issue

Price \$1.50

275 pages

KALLMAN PUBLISHING COMPANY

1870 West University Avenue, Gainesville, Florida

Macmillan Texts in Political Science

MAXEY:

Political Philosophies

New Revised Edition

The second edition of this text which traces the course of major political ideas and doctrines throughout all periods of history, and appraises their influence, has been brought completely up to date. Many chapters have been rewritten in order to present recent and contemporary political thought more freshly and effectively. *To be published in September.* 450 (probable)

CHESTER C. MAXEY is Dean of Social Sciences, and Professor of Political Science, Whitman College.

ZINK:

Survey of American Government

One of the first books on the university level to include extensive visual aid material, this new text contains many diagrams, charts, maps, and drawings which effectively point up the various aspects of American Government. Including many illustrations of personalities and programs, this text for one-semester courses offers a clear presentation of government in the United States as it operates and exists today. *To be published this summer.* \$4.75 (probable)

ZINK:

Government and Politics in the United States

Revised Edition

This text for a full-year's course in Government covers the organization and functions of national, state, and local governments, clearly indicates the services rendered by these governments, and how their various branches and divisions actually operate today. Emphasis is placed on the post-war period and its problems, with discussions of the UN, military government, the Political Action Committee, and the reorganization of Congress. \$4.75.

HAROLD ZINK is Hall Professor of Political Science, and Chairman of the Department of Political Science, DePauw University.

THE MACMILLAN COMPANY

New York 11

INTERNATIONAL GOVERNMENT

By CLYDE EAGLETON, *New York University*

This revision is concerned with the slowly evolving constitutional law and organization of the community of nations, developing toward international, or world government. Stressing this point of view rather than international relations in general, the author's new work has been necessitated by events which took place before and after an historical point in the evolution of international government—the end of the League of Nations and the beginning of the United Nations.

554 pages, \$5.00

PUBLIC ADMINISTRATION

By JOHN M. PFIFFNER, *The University of Southern California*

This recently revised edition is an up-to-the-minute analysis of practical operation of public administration, employing the extensive experience of the author and providing a functional approach to the study of municipal, state and national government.

"... an almost entirely new book, characterized by fresh writing, up-to-date illustrations, and a great deal of new and highly useful material. The second edition of this well-known textbook should win an even wider following than the first." AMERICAN POLITICAL SCIENCE REVIEW

621 pages, \$5.00

RESEARCH METHODS IN PUBLIC ADMINISTRATION

Also by JOHN M. PFIFFNER.

This book on governmental research analyzes and explains little-understood techniques and methods used by actual operating units. It is a practical guidebook and a synthesis of fundamental, workable information.

"Disarming by its commonsense approach, the book caters efficiently to the real demand for just such comprehensive information on the ways in which research is actually done at the present time in this country."

SOCIAL RESEARCH

447 pages, \$4.50

MUNICIPAL ADMINISTRATION

Also by JOHN M. PFIFFNER.

Here is a well-balanced approach which is neither too technical nor too general. It includes the necessary technical information and stimulates the student's interest by telling him something more than impressive commonplaces about the intricacies of city operation. This text developed as a result of long association with officials and technicians in the actual operating field.

"... shows the author's talent for clear and captivating presentation and his remarkable method of satisfying the great demand for coherent information on facts and data while at the same time doing a good job of scholarship." SOCIAL RESEARCH

582 pages, \$4.50

THE RONALD PRESS COMPANY

15 East 26th Street

New York 10, N.Y.

Immediately Successful

THE AMERICAN SYSTEM OF GOVERNMENT

By JOHN H. FERGUSON, The Pennsylvania State College, and DEAN E. MCHENRY, The University of California, Los Angeles. *McGraw-Hill Series in Political Science.* 930 pages, \$4.50

Covers the essential features of the American system of government at all levels—national, state, and local. The authors offer timely treatments of foreign relations and the United Nations; federal powers; federally owned and operated enterprises; compulsory military training; and control of atomic energy.

THE AMERICAN FEDERAL GOVERNMENT

McGraw-Hill Series in Political Science. 818 pages, \$3.75

Consists of those sections of *The American System of Government* which deal with the federal government.

A partial list of the colleges and universities that have adopted one or the other edition:

Brigham Young University
University of California, Los Angeles
Carnegie Institute of Technology
Colorado State College
Grinnell College
University of Hawaii
Howard University
University of Kansas City
Keuka College
Lehigh University
Marquette University
Miami University
Michigan State College
Montana School of Mines

North Dakota Agricultural College
Pennsylvania State College
Pomona College
San José State College
Swarthmore College
Texas Christian University
University of Toledo
University of Tulsa
Union College
Ursinus College
University of Utah
Vanderbilt University
Virginia Polytechnic Institute

INTERNATIONAL POLITICS. New 4th edition

By FREDERICK L. SCHUMAN, Williams College. Ready for fall classes.

As before, this widely-known and widely-used book offers a penetrating analysis of the current world scene, including the author's intensive research into the background, course, and aftermath of the Second World War. The book is exceptionally readable, and is noted for its graphic presentation, incisive analysis, and accurate forecasting of things to come. The new edition brings all material up to date, and incorporates much new material of timely importance.

Send for copies on approval

McGRAW-HILL BOOK COMPANY, Inc.

330 West 42nd Street

New York 18, N. Y.

A coming event of unusual interest

WORLD POLITICAL GEOGRAPHY

by G. ETZEL PEARCY, RUSSELL H. FIFIELD and Associates

with 137 maps especially prepared by ROBERT J. VOSKUIL

A sincere attempt on the part of some thirty carefully selected authorities to provide a suitable college text for the rapidly increasing number of courses in this important subject.

TABLE OF CONTENTS

Part I: The Nature and Scope of Political Geography

1. Political Geography and its Point of view. 2. The Substance and Scope of Political Geography. 3. History and Development of Political Geography.

Part II: The Great Powers

4. Geographic Foundations of the Continental United States. 5. The United States as a World Power. 6. The Soviet Union—A Land Mass Power. 7. The Soviet Union in World Politics. 8. Britain and the Dependent Empire. 9. The British Commonwealth of Nations.

Part III: Europe

10. The German Reich—European Pivotal Area. 11. The Low Countries between the Great Powers. 12. Contemporary France and its Geographic Setting. 13. Switzerland—A Successful Neutral. 14. Italy in the Mediterranean. 15. Spain and Portugal—Powers of the Past. 16. The Five Fenno—Scandinavian Powers. 17. Poland—A Perennial Problem. 18. The Lesser Countries of Central Europe. 19. The Balkan States—Peninsular Rivals.

Part IV: Asia

20. Turkey and the Straits. 21. The Arab World. 22. The Middle East States of Iran and Afghanistan. 23. The Complexity of India and Burma. 24. Foundations of Modern China. 25. Korea, Indo-China, and Siam. 26. The Japanese Isles.

Part V: Australasia and Africa

27. Africa—A Study in Colonialism. 28. A Strategic Appraisal of Africa. 29. The Malay Archipelago and Oceania. 30. The Philippine Islands.

Part VI: Latin America

31. The Caribbean Sea—The American Mediterranean. 32. The United States of Brazil. 33. States of the Rio de la Plata. 34. Pacific South America.

Part VII: Some Special Aspects

35. Political Geography of the Oceans. 36. Boundaries in International Relations. 37. Population Factors in International Affairs. 38. Grand Strategy of World War II. 39. Geography in Future World Politics.

Coauthors

SAMUEL FLAGG BEMIS
HERMAN BEUKEMA
SAX BRADFORD
ALBERT S. CARLSON
ALDEN CUTSHALL
GORDON G. DARKEN-
WALD

SIGISMUND DIETRICH
SIDNEY EKBLAW
FRANKLIN ERICKSON
WELDON B. GIBSON
ARTHUR HALL
GEORGE W. HOFFMAN
GEORGE D. HUBBARD
BEN F. LEMERT
GEORGE A. LIPSKY
MICHAEL MANSFIELD
SHANNON MCCUNE
WARREN NYSTROM
CLARENCE B. ODELL
GEORGE T. RENNER, JR.
JOHN K. ROSE
JOSEPH S. ROUCEK
J. R. SCHWENDEMAN
RUTH SUTHERLAND
GEORGE TATHAM
GRIFFITH TAYLOR
LESTER TRUEBLOOD
RICHARD L. TUTHILL
JOSEPH VAN RIPER
WILLIAM VAN ROYEN
CARLETON F. WAITE
C. LANGDON WHITE

Ready for fall 1948

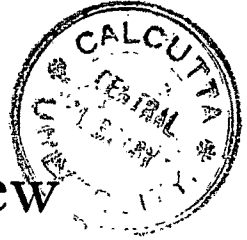
THOMAS Y. CROWELL COMPANY

432 Fourth Avenue

New York 16



The American Political Science Review



VOL. XLII

AUGUST, 1948

NO. 4

THE CONSTITUTION OF THE ITALIAN REPUBLIC

MARIO EINAUDI

Cornell University

At the beginning of 1948, Italy's first republican constitution went into effect. After exactly a century, the *Statuto* of 1848 was finally and formally superseded. History will record that the *Statuto* proved a powerful instrument in the formation of Italian unity and in the development of Italy's freedoms and parliamentary system until 1922, just as it will also be a witness to its rejection and nullification in the course of the subsequent twenty-five years. The new republican constitution represents the first deliberate effort by the Italian people as a whole to guarantee their freedom and common welfare within a constitutional framework.

The influences of many lands are visible in the document. One can see in the rebirth of regionalism the native historical tradition of municipal freedom; the French fear of Caesarism reflected in election of the president by Parliament rather than by the people; British reliance on a balance of power between executive and legislature translated into the almost unlimited executive power of dissolution of the chambers; the time-honored American principle of bicameralism accepted with the creation of two legislative houses of equal power; and the equally famous American doctrine of judicial review tentatively imitated through the establishment of a Constitutional Court. Of Eastern constitutionalism there are only scant traces, the new social and economic rights reflecting rather the general trends of the times than any overt allegiance to the tenets of the Soviet constitution. Indeed, the acceptance of the new has been tempered by a strong restatement of what is valid in the individualistic and liberal traditions of the eighteenth and nineteenth centuries.

The constitution is a result of much thought and effort, and of an

attempt to learn from the mistakes of others. The Bonapartist régimes, the Weimar experiment, as well as the fate of the first French constitutional project of 1946—all were considered. The learning displayed over a period of eighteen months by the relatively few who took an effective hand in the proceedings was impressive; the question of whether necessity should be considered a constitutional source of law was fully debated. Continuous reference was made in the many thousand pages of debates to the classical political philosophers from Aristotle to Montesquieu and Rousseau. During the debate on bicameralism, Hamilton, Robespierre, Napoleon, Siéyès, Proudhon, Mirabeau, Mill, Pitt, Blum, Mazzini, Cavour, and Sorel were quoted, not to mention Duguit, Lees-Smith, Giraud, and Kelsen. The Communists called in the authority of George Washington and relied on Benjamin Franklin to weaken the argument for an upper chamber, while the Christian Democrats quoted at length the authority of Stalin to support the thesis that the two chambers had to be of equal power.

I. 1947 vs. 1946

Every constitution reflects not only the relative strength of the contending political forces within the Assembly which writes it, but also the political climate of the country at large, and of the community of nations within which the country moves. The Italian constitution is a good example of this truth. In no other way could many of the changes which occurred between the draft constitution, largely prepared in 1946, and the final constitution, debated and approved in the course of 1947, be explained. In the final bill of rights, some of the formulae so cherished by the constitution-makers in the people's and workers' republics of the East, and which had been accepted in the constitutional draft, have disappeared, while the political rights of citizens have been strengthened. The executive emerges with more power, and the independence of the Constitutional Court is guaranteed more securely. All these changes represent Communist defeats; while the Christian Democratic retreat from a corporatist and regionalist stand must be viewed as a victory of classical Italian liberal beliefs and of common sense.

The most serious encroachment of Eastern constitutionalism was found in Article 32 of the draft, which conditioned the exercise of political rights upon the fulfillment of some activity or function

contributing to the material or spiritual development of society. Thus the enjoyment of political rights could be seriously curtailed for any citizen, depending upon the interpretation which successive governments might give of what constitutes an appropriate activity. In the final text, this condition is eliminated. A number of other changes reveal the gradual decrease in the influence of the Marxist parties. Trade unions must be democratically organized before they can get recognition by the state. No longer have all workers the right to strike; instead, the right is to be exercised only within the sphere of the laws regulating it. The latifundia are not to be abolished, but transformed. The workers do not have a right to participate in the management of their plants, but only a right to collaborate in such management, taking into account the interests of production. Schools are open, not to the "people," but to "all." Private agencies have not the mere faculty, but the right, to open schools, even though no burden may accrue to the state. No longer are children born out of wedlock entitled to a juridical status equal to that of legitimate children, nor have parents the same duties toward them; they are entitled merely to support and to every protection compatible with the rights of legitimate offspring. The only Christian Democratic defeat in this area came when the final constitutional text no longer proclaimed the indissolubility of marriage. The ringing declaration of the draft that when the power of government violates fundamental freedoms and the rights guaranteed by the constitution, resistance to oppression becomes the right and duty of citizens, was quietly dropped — as it was in France in the second constitutional project.

In the legislative field, on the other hand, the corporatist efforts of the Christian Democrats met final defeat. The Senate, instead of being elected one-third by regional councils and two-thirds by universal suffrage, is to be elected entirely by universal suffrage. Referenda are now possible, under certain circumstances and for certain types of legislation, only to repeal existing laws and not to suspend the enactment of new ones.

The resolution to strengthen the executive power, notwithstanding the stubborn and clever opposition of the Communists, is apparent throughout. Executive decree laws, which had not been admitted in the draft, are legitimized in the final text, even though only in extraordinary cases of necessity and urgency, and under rigid conditions. While the draft was silent on the matter, the final

text authorizes the president of the Republic to send back to the chambers, within the time limit allowed him for promulgation and with a motivated message, any bill of which he disapproves. Presidential promulgation must follow if the bill is again approved by the chambers. The president's influence and power are extended into two new fields about which the draft said nothing: the president can send messages to the chambers and he must authorize the presentation of government bills to the chambers. In one respect, the president's power was curtailed: his otherwise unlimited power of dissolution of the legislative bodies cannot be exercised during his last six months of office.

The Christian Democrats had to yield on important points as far as regionalism was concerned. The complicated hierarchy of regional powers, which the draft classified as exclusive, concurrent, and complementary, was abandoned and no powers at all were given to the regions in the previously admitted fields of industry, trade, commerce, mines, credit controls, public education, and health. The Liberal-Communist alliance held fast and succeeded in maintaining that the Italian Constituent Assembly of 1947 could not take away from the jurisdiction of the central government areas of public power which the Philadelphia Convention of 1787 had already recognized as necessary for the survival of a federal government. The generosity of the draft toward regional finances was modified, and state revenues were allocated to the regions not for "essential" but for "normal" purposes. The already great power of the central government in dissolving regional councils was increased when it was added that the councils might be dissolved for reasons of national security. The dissolution was no longer to be proclaimed by the president with the concurrent advice of the Senate, but by the president, having heard a mixed parliamentary committee. Furthermore, the number of regions was reduced from twenty-two to nineteen, and the creation of new regions in future made twice as difficult.

Some of the changes introduced in the structure and jurisdiction of the Constitutional Court will strengthen its authority and independence. The tenure of the justices was increased from nine to twelve years. The indeterminate membership was changed to a fixed one of fifteen justices. The appointment of the justices which the draft left to Parliament (with the selections required to be one-half from magistrates, one-fourth from lawyers and law professors,

and one-fourth from citizens eligible for public office) has now been left, in equal measure, to the president of the Republic, to Parliament, and to the higher courts; and the choice will be limited to magistrates, law professors, and lawyers.

II. BICAMERALISM AND REPRESENTATION

One of the characteristics setting the Italian constitution apart from other postwar constitutions is the acceptance of the bicameral system. Article 55 reads: "The Parliament is composed of the Chamber of Deputies and of the Senate of the Republic." In itself, the bicameral idea did not meet with strong opposition, even though the Socialists and Communists declared against it in principle. No such agreement was possible, however, when the jurisdiction and the method of election of the two legislative bodies had to be determined.

The Christian Democrats, together with the Liberals, were the main champions of the absolute equality of powers of the two chambers as eventually written into Article 70 ("The legislative function is exercised collectively by the two Chambers") and Article 94 ("The Government must have the confidence of the two Chambers"). A bicameral system was needed, they said, to give balance to the legislative process, greater maturity to legislative debate, and, quite as important, greater stability to parliamentary government. This last aim could not be achieved unless the two chambers were of equal powers.¹ Nor could the goal of true regionalism be attained if the upper chamber, originally intended to be, in part at least, a regional body, was placed from the beginning in a condition of inferiority.² In 1936, Stalin himself had supported the concept of parity between the two Soviets.³ Not even the authority of Stalin disarmed Communist opposition to parity of powers; but when trying to write into the constitution the principle that the government should enjoy the confidence only of the

¹ Piccioni, *Assemblea Costituente, Debates*, Sept. 17, 1947, p. 266.

² Mortati, A. C., *Debates*, Sept. 18, 1947, p. 307.

³ Tosato, A. C., *Debates*, Sept. 19, 1947, p. 343: "The Soviet constitutional commission of 1936 debated whether or not a bicameral system should be adopted and whether or not the Soviet of the Union and the Soviet of Nationalities should be placed on a footing of equality. Stalin opposed the current which denied equality, by pointing out that by giving unequal powers to the two houses conflicts between them would not be eliminated but increased, and that what eliminates legislative conflicts is parity and an equal democratic basis."

Chamber of Deputies the party continued in a minority.⁴ As the constitution stands, it does not provide for any procedure whereby conflicts between the two chambers can be solved. As in the United States, the normal procedure will be discussion between committees of the two chambers and compromise. In case of absolute deadlock on an important issue, one or both of the chambers can be dissolved by the president. The matter appears a purely theoretical one for the next several years, given the essentially similar political composition of the two chambers as a result of the elections of 1948.

Acceptance of parity did not solve the other major issue of how to elect the upper chamber. The easy agreement reached on the Chamber of Deputies (Article 56: "The Chamber of Deputies is elected by universal and direct suffrage . . .") could not be realized for the Senate because of revival by the Christian Democrats of their traditional doctrine of interest representation. To a Constituent Assembly chosen for creating a new democratic structure on the ruins of dictatorship, the idea of interest representation appeared too much like an effort to resurrect fascist corporativism. The Christian Democrats refused to concede the parallel, pointing out that a substantial body of socialist and syndicalist doctrine had favored the idea of interest representation in the last fifty years, and that within a constitutional framework the idea was not incompatible with the idea of democracy. The representation of economic groups, divided into the major categories of agriculture, industry, trade, academic bodies, professions, artisans, white-collar workers, and civil servants, was needed to integrate universal suffrage and to implement the limited rôle of political parties which were to dominate the stage in the Chamber of Deputies. In a bitter attack on political parties, a Christian Democratic deputy said: "Italian parties lack a strong attachment to the ideas of freedom; they are followed by an exceedingly small minority of the population, while the great mass is foreign to them. For this reason, political parties are dogmatic and fail to reflect the true needs of the country. Parties have as yet been unable to give birth to a technical and political aristocracy capable of meeting the difficult and specialized tasks of government."⁵

This De Gaullist attack on political parties was not well received,

⁴ See the Communist motion to this effect, A. C., *Debates*, Sept. 18, 1947, pp. 294-5.

⁵ Mortati, A. C., *Debates*, Sept. 18, 1947, p. 305. The main Christian Democratic

and all subsequent Christian Democratic attempts to secure an even partial recognition of interest representation were defeated. Parity had been admitted, but the Marxist parties were determined to make the second chamber as exact a duplicate of the first as possible, so that from the upper chamber no important opposition could originate to the policies of the lower one. In the end, however, the constitution provided for some small differences. Each region was given at least six senators (except Valle d'Aosta, which gets one), and the term of the Senate was extended to six years, while that of the Chamber remained at five. While both deputies and senators are to be elected by universal and direct suffrage, their electors are, respectively, those who have attained their twenty-first and their twenty-fifth birthdays. The theory that by raising the age limit one could expect to have an electoral body endowed with a greater sum total of wisdom, and therefore presumably less inclined to vote for the Left, was disproved by the elections of 1948, when the percentage of Communist Front votes was practically the same in both the Senate and the Chamber elections. A more significant difference, not contained in the constitution, arises from the different electoral laws adopted for the two houses. The Chamber of Deputies is elected by proportional representation with a limited use of surpluses by national lists. The Senate is elected on the basis of a hybrid system whereby candidates stand initially for election in single-member constituencies and those of them who obtain at least sixty-five per cent of the total vote cast in their constituency are elected. The constituencies where no candidate has obtained that percentage are pooled regionally, candidates are grouped on party lists, and a proportional representation system, without national lists, is applied from that point on.

III. PRESIDENT AND EXECUTIVE

In the sphere of executive powers, the constitution had to solve three major problems: first, definition of the extent and of the na-

tion on the issue of interest representation was, in part, as follows: "The Constituent Assembly—considering that a second Chamber, in addition to one elected by universal suffrage, is required for the integration of political representation, so as to reflect social reality in all its politically significant interests and to guarantee to legislative work, which is of an ever-increasing technical character, the assistance of experts—resolves that these aims are to be reached by securing the participation in the second Chamber of the groups in which social activities spontaneously divide themselves." A. C., *Debates*, Sept. 17, 1947, p. 265. The decisive vote on this motion took place on September 23, when it was rejected by 213 to 166, with practically only the Christian Democrats voting in favor of it.

ture of presidential powers; second, establishment of a balance between the executive and the legislative powers; and third, definition of the position of the cabinet.

The members of the Constituent Assembly had to keep in mind that the Monarchy was gone and that the Republic was not to be of the presidential type. Under the Republic, the three main provisions of the constitution of 1848 relating to the royal powers were no longer applicable. These were that the power of legislation belonged collectively to the chambers and to the king, that executive power belonged to the king, and that justice issued from the king. Indeed, traditions of parliamentary government which had been established ever since the second half of the nineteenth century had already emptied these formulae of any substantial content. But while the English monarchy and the American presidency could not be used as prototypes, neither could the French presidency offer much help; for from the very first the Christian Democrats made it clear that they wanted a stronger president than had been given to the French people. Furthermore, the principle of the irresponsibility of the president, except for treason or violation of the constitution, was too firmly established to permit granting the president any powers based on the prerogative of his office. The constitution therefore states, in Article 89: "No act of the President of the Republic is valid unless countersigned by the Ministers proposing it, who assume responsibility for it."

With these requirements in mind, the constitution has made these main provisions for the office of the president. The president is elected for a period of seven years by the Chamber of Deputies and the Senate, meeting together as the Parliament, with the participation of three delegates for each region in order to guarantee a somewhat broader electoral basis.⁶ Unlike the French constitution, which permits the president to be reelected once, the Italian constitution is silent on this point. According to Article 83, the election of the president "takes place by secret ballot and requires a two-thirds majority of the Assembly. After the third ballot, an absolute majority is sufficient." The French constitution left the whole matter to decision by the Parliament meeting for the presidential

⁶ For the election of the first president, however, only members of Parliament were present, since there had been no time to choose the regional representatives. This was in accordance with Art. 2 of the transitional arrangements of the constitution.

election; and the decision was in favor of secret ballot and absolute majority. Both countries, therefore, seem to have agreed that the manipulations made possible by the secret vote are less damaging to a real freedom of choice than the compulsion of a public vote.

The constitution proclaims the president head of the state and representative of national unity, but not the protector of the constitution as urged from several quarters. As such, he has powers of appointment, in specified cases, of accrediting and receiving diplomatic representatives, of declaring a state of war upon decision of the chambers. He also has command of the armed forces—a function which the French constitution splits between the prime minister, who directs the armed forces, and the president of the Republic, who has the title of commander of the armies.

Even though the chairman of the constitutional committee denies that the president is part of the legislative power,⁷ the constitution gives him various means of influencing the legislative process. The President can only “promulgate” and not “sanction” laws; but he may (Article 74), “by means of a motivated message, request a new decision of the Chambers.” He has, under normal circumstances, thirty days in which to exercise this suspensive veto, as against the ten days allotted to the French president. No special majority is required to override this suspensive veto, and if the chambers again approve the law it must be promulgated. Apart from this power, which is to be exercised with reference to specific bills, the president may send messages to the chambers. In the course of the debate, the messages of the president of the United States were recalled as an example of the type of leadership expected from the president in times of emergency or whenever important issues are expected to come before Parliament.⁸ One presidential function which appears in the French constitution, that of presiding at cabinet meetings and of setting up and keeping minutes, is not to be found in the Italian constitution. But the Italian president is given the power of authorizing the presentation to the chambers of bills initiated by the government—a function, however, which must be considered largely of a formal nature.

In the appointment of a prime minister and, upon his recommendation, of the ministers, the president will exercise one of his more important executive powers. Yet another difference between

⁷ Ruini, A. C., *Debates*, Oct. 23, 1947, p. 1467.

⁸ A. C., *Debates*, Oct. 22, 1947, pp. 1444, 1446.

the French and Italian constitutions is to be found here. The French president can at first merely nominate the prime minister and must wait upon a vote of confidence by the National Assembly toward the prime minister and his program before appointing him to office. On the other hand, the appointment of the cabinet by the Italian president is final, from a constitutional point of view, even before the cabinet presents itself before the chambers to seek the confidence which it of course must have to continue in office. The two different solutions reflect the initial French premise that the choice of the prime minister belongs exclusively to the legislative power, and the Italian effort to establish as far as possible the independence of the executive, quite apart from the issue of responsibility toward the representatives of the people. Were shifting parliamentary majorities to prove the rule, it is not too difficult to anticipate quite different parliamentary reactions when the prime minister presents himself alone and as a beggar, or when he presents himself surrounded by a fully formed cabinet.

The attempted strengthening of the executive in its relationship with the legislature is quite visible in Article 88 dealing with the crucial dissolution issue. The article reads: "The President of the Republic may, having heard their respective presidents, dissolve both Chambers or only one of them. He may not exercise such power within the last six months of his term." If the attempts of a Christian Democratic group to have the dissolution power proclaimed a presidential prerogative to be exercised independently of the advice of the prime minister⁹ failed, so did the Communist effort to curtail this power. The Communists had offered as their solution an exact duplicate of Article 51 of the French constitution,¹⁰ barring dissolution during the first eighteen months following election of the Chamber, and after that making it possible only when two ministerial crises had occurred within the same period of eighteen months. It is a curious paradox of history that where a viable power of dissolution would be useful in helping to solve a most difficult parliamentary state of affairs, as in France today, that power does not exist. On the other hand, where the constitution grants that power, as in Italy, there is no foreseeable need for its use in the course of the next five years.

The Constituent Assembly refused to call the head of the cabinet

⁹ Dominedò, A. C., *Debates*, Oct. 22, 1947, p. 1455.

¹⁰ Nobile, A. C., *Debates*, Oct. 24, 1947, p. 1541.

"prime minister," as proposed by the constitutional committee, and reverted to the traditional title of "president of the council of ministers." Having thus refused to classify the chief political officer of the country as anything more than *primus inter pares*, the constitution proceeds, however, to say, in Article 95, that "the President of the Council of Ministers directs the general policy of the Government and is responsible for it. He maintains the unity of political and administrative action, and promotes and coördinates the activity of the Ministers," thus recognizing, far beyond anything provided in the French constitution, the commanding position of the head of the cabinet.

In making clear where cabinet leadership is to be found, and in making cabinet ministers collectively responsible, the constitution seeks to give strength to the cabinet. The same effort can be seen in the provisions surrounding the question of legislative confidence toward the cabinet. The principle of cabinet responsibility toward Parliament is fundamental in a parliamentary government. Any new government must present itself before the chambers within ten days of its formation to seek their confidence. Unlike France, Italy's bicameral system requires that this confidence be granted separately by the Chamber of Deputies and by the Senate. Lack of confidence expressed by one chamber is enough to cause the resignation of the government. But, as in France, the government is subsequently protected against sudden parliamentary attacks. Three full days must elapse before a vote of no-confidence (which must be by roll-call) can be taken, and the motion must be put forward by at least one-tenth of the total membership of either house (the constitutional committee had gone so far as to recommend a minimum of one-fourth of the members). The same Article 94 also makes clear that "a contrary vote of one or both chambers on a government proposal does not carry with it the obligation of resigning." In practice, however, it is likely that if the government is defeated on an important policy matter, a motion of no-confidence will follow, so that, in important issues, this will at most mean the granting of a breathing spell, permitting the government to marshal its parliamentary support.

Serious, but certainly not immediate, difficulties may arise over the grant of confidence to the government by one chamber and the withholding of it by another. With elections to the Chamber and to the Senate occurring, normally, in different years, this is a

likely development, because the chambers will reflect different political moods. The alternative which will then confront the president will be between accepting the negative verdict of one of the two houses and, following the resignation of the government, proceeding to the formation of a new one, or refusing to accept it and dissolving the house which has denied confidence to the government. It may be expected that the determinant factor will be whether the denial of confidence has proceeded from the house which has been elected last. In this case, its verdict should be considered an expression of the present political will of the country, and therefore accepted. A new government would then be formed, and the other chamber dissolved if it refused to grant its confidence.

IV. THE PROTECTION OF FREEDOM AND OF THE CONSTITUTION

A preamble and a bill of rights, which together account for more than one-third of the constitution, protect the individual against the encroachments of the state and promise him those benefits which are today recognized as one of the main functions of government. A regional plan tries to break up and distribute the power of the state. Finally, the constitution itself is recognized as the supreme law of the land, and a special court is set up for its protection. As a result of this threefold approach, it would be difficult to deny that Italy's constitution-makers have made a determined effort to safeguard individual freedom, to prevent excessive exercise of public power from the center, and to place the constitution beyond the reach of any momentary expression of the people's will.

While the French constitution avoids the difficulty of defining civil and political rights and is satisfied with a reference to the Declaration of 1789, the Italian constitution faces the problem, and a listing of the rights of the citizen in the traditionally accepted sense comes before the definition of the new economic and social rights and duties. Article 2 typifies the confluence of the old and the new: "The Republic recognizes and guarantees the inviolable rights of man, whether as an individual or in the social groups through which his personality develops, and requires the fulfillment of the unavoidable duties of political, economic, and social solidarity." The constitution, then, recognizes the right of the citizen to

be left alone and the right to be left free in the activity in which his life, both as an individual and as a member of the community, is fulfilled. But it does more than bar the state from entering these areas of freedom; it directs the state to lend the active support of its machinery to the securing of those rights to work, to security, to welfare, to education, which are today considered an essential part of any organized political society. In exchange for these positive contributions to the citizen's happiness, the state exacts from every citizen, according to the capability and the choice of each, the undertaking of tasks which will contribute to the material and spiritual progress of society.

The bill of rights includes more than a definition of the rights and duties of the citizen and of the state. It contains a general outline of future economic policy. It asserts the principle that public and private economic activity may be directed and coördinated toward social ends. It declares that those economic enterprises which relate to essential public services, and which have an aspect of preëminent general interest, may be turned over to the state or other public agencies or to communities of workers or consumers. It announces the principle of restrictions on the private ownership of land for the purpose of attaining a rational exploitation of the soil and of establishing just social relations. Finally, it recognizes the right of workers, subject to the requirements of production, to collaborate in the management of business enterprises. These are the areas in which the bill of rights has no precise meaning, as it reflects the position of compromise of Christian Democracy, seeking to reconcile the claims of private property and of collective action. A meaning will be given to these clauses only within the framework of specific legislative measures enacted by successive parliaments.

The regional structure finally provided for in the constitution is only a rather pale image of the original intentions of the constitution-makers. It is, however, probably all that it should be, given the problems which lie ahead. In Article 115, the constitution recognizes the regions as "autonomous bodies, with powers and functions of their own according to the principles fixed by the constitution." But the most striking feature of the plan is the extent to which the state has retained the power of control over regional activities. Articles 123-127 are evidence of the fact that the new constitution has not created a federal Italy, but has retained a unitary form of government within which the regions can exercise

useful local functions—always subject to the control of the state, which will see to it that the exercise of these functions lies within the fundamental principles of the laws of the state and is not in conflict with the interests of the nation or of other regions. When such a conflict develops, the regional council, which is the regional legislative body, may be dissolved, as it also may be for reasons of national security. The fear expressed that, following the regional elections to be held later in 1948, the regions might develop into “autonomous republics” and flout the authority of the state, is entirely devoid of any constitutional foundation, just as it is largely outside the realm of political possibilities.

The final text represents a drastic trimming of the impressive grant of powers to the regions which the constitutional project contained. All useful regional and local matters are left within the jurisdiction of the region, and much valuable work can undoubtedly be performed there. But of areas in which it might be said that regional and national jurisdictions overlap, only agriculture is left. Even here, there can hardly be any doubt that national policies with regard to crop controls and prices, wage contracts and land reclamation, agrarian credit policies and land reforms, will prevail over anything the regions may want to do. On the other hand, the very useful and important task of administering national policies at the regional level might be given to the regions, thus achieving one of the main aims of decentralization.

The creation of regions, with its sequel of conflicts among the regions and between the regions and the state, would of itself have required the setting up of a Constitutional Court to settle the differences. The emergence of the Court, however, has a deeper meaning. It reflects the desire to place the constitution, as well as subsequent laws which will be given a constitutional character, beyond the temptation of legislators. The experiment is a bold one for a country brought up in the traditions of Roman, civil, and codified laws and for a country which, like France, has for so long accepted the principle that the legislative power is supreme and that anything approved by Parliament and meeting the outward procedural requirements is law. This is a tradition which has so far made it impossible to distinguish between positive and higher law. The new Italian Constitutional Court is therefore faced with the necessity of breaking with all traditions and precedents in order to carry out its task.

When the French toyed with the same idea, all that they could

agree upon in the end was a constitutional committee with power to tell the Constituent Assembly that it was about to "revise" the constitution, and that it had better go about it in the right way. All that this clause accomplished is to make the legislators aware that a revision of the constitution is under way and to call for the special majorities required for the situation. On the other hand, Article 136 of the Italian constitution reads: "When the Court declares unconstitutional a norm of law or of an act having the force of law, the norm ceases to have effect from the day following the publication of the decision." This leaves the Italian Parliament very much in the same position as the American Congress when confronted by a decision of unconstitutionality by the Supreme Court.

To carry out a task which potentially is of a decisive nature, a strong court is required. Whether Article 135 makes provision for such a court can only be a matter for speculation at this point. The Court will be made up of fifteen justices nominated for twelve years, one-third by the president of the Republic, one-third by Parliament in joint session, and one-third by the highest ordinary and administrative courts. Article 137 left to a subsequent constitutional law the establishment of "the conditions, the forms, the terms for bringing action of constitutionality and the guarantees of the independence of the justices of the Court." As its last act, the Constituent Assembly determined to eliminate the uncertainty surrounding this clause. On January 31, 1948, the necessary constitutional law was approved by a vote of 202 to 85, with the Left presumably voting in the negative.¹¹ Article 1 reads: "The question of constitutional legitimacy of a law or of an act having the force of a law of the Republic, when raised by the bench or by either party to a judicial action, and not held by the judge to be manifestly unfounded, is placed before the Constitutional Court for its decision." This brief provision, which forms the core of the law, seems to be a satisfactory solution of the procedural problems relating to judicial control over the constitutionality of laws. It should be noted that attempts to establish a time limit of two or four years within which the constitutionality of a law could be tested were defeated.

V. THE CONSTITUTION COMES TO LIFE

The constitution was approved on December 22, 1947, by the

¹¹ A. C., *Debates*, Jan. 31, 1948, pp. 4329 ff.

overwhelming vote of 453 to 62. All major parties supported it; and it went automatically into effect on January 1, 1948. Following the election of a Chamber of Deputies and of a Senate on April 18-19, and of the first president on May 11, the Italian Republic has now begun its constitutional life. The Italian popular legend that there is a star in the sky to look after the country, no matter what her misfortunes or what the follies of which her people are guilty, will certainly receive added strength as a result of the developments of the recent past. For the Italian Republic begins its life under the auspices of a tolerably good constitution which shows more than a minimum of political wisdom, following elections which resulted for the first time in Italy's modern history in the victory of a single political party, and just when the United States has started a far-reaching program for the economic reconstruction of sixteen European countries, including Italy.

The framework and the means, the procedural as well as the substantive requirements, appear to be all at hand to get the Italian experiment in constitutional and progressive democracy in motion under conditions as favorable as this tragic postwar era will allow. Avoiding many of the extremes and weaknesses of its contemporaries, the Italian constitution provides for the exercise of balanced, yet effective, political power. It is careful to protect the rights of citizens, and yet it is mindful of the demands of an industrial age. It makes change possible, and yet grants to the constitution that higher validity without which no constitutional democracy can be said to exist. Having accomplished this, the Italian people have now turned over the primary responsibility for governing the country for the next five years to one political party, the Christian Democrats. The usual fateful consequences of proportional representation were avoided and the main purpose of finding a majority capable of governing was kept successfully in mind. The Marshall Plan will presumably place at the disposal of the Italian government means of unprecedented size which—if wisely used—should guarantee the creation of a more sound and just economic system. Looking at the problem purely within its national boundaries, one must conclude that if the cumulative result of these forces shall not be such as to lead to the gradual establishment of a free and advancing political and economic society, the folly of man must indeed be adjudged immeasurable.

AMERICAN GOVERNMENT AND POLITICS

THE FIRST SESSION OF THE EIGHTIETH CONGRESS

(January 3–December 19, 1947)

FLOYD M. RIDDICK

Senate Editor, Daily Digest, Congressional Record

The Eightieth Congress convened under unusual circumstances. The Legislative Reorganization Act of 1946 having just become law, the House and Senate were subjected to the most complete reorganization of recent times. This was due to two things.

First, both parties in each house had to assign *de novo* every one of their members to the newly established committees. Normally, all members reelected to Congress are returned to their same committee assignments. Thus the committees on committees are not concerned with giving them committee appointments; some transfers from one committee to a more important one are granted upon request to reelected members, and promotions are allowed by moving up reelected members to fill any vacancies on their committees created by defeats or resignations from Congress. This time, the number of committee assignments was curtailed under the law along with a sharp reduction in the number of standing committees. In the House, standing committees were reduced from 48 to 19; in the Senate, from 33 to 15. The shake-up called for a reëxamination of all candidates for every committee berth.

Secondly, party control of the two houses had shifted from the Democrats to the Republicans, and in the face of a Democratic Administration. President Truman acknowledged this latter situation in his State of the Union message when he said: "... The Congress and the President, during the next two years, must work together. It is not unusual in our history that the majority of the Congress represents a party in opposition to the President's party. I am the twentieth President of the United States who, at some time during his term of office, has found his own party to be in the minority in one or both Houses of the Congress. ... On some domestic issues," he continued, "we may, and probably shall, disagree. That in itself is not to be feared."

Organization. The Eightieth Congress was convened on January 3, 1947, with a party division in the Senate of 51 Republicans and 45 Democrats, and in the House, of 246 Republicans, 188 Democrats, and 1 American Labor. This was the first time that the Republicans had assumed control in both houses, electing all political and parliamentary officers, since 1929.¹

¹ The Democrats took control of the House in 1931, when John N. Garner was

The organization around which the two parties set up their machinery in the House and Senate for control of legislative procedure was as follows:

In spite of the shift in political control in both houses and a reëxamination of all committee assignments as well as the selection of all committee chairmen *de novo*, organization was accomplished with great speed.

TABLE I
HOUSE AND SENATE LEADERSHIP

Office	Republican		Democratic	
	Senate	House	Senate	House
Speaker and president <i>pro tempore</i>	Vandenberg (Mich.)	Martin (Mass.)		
Floor leaders	White (Maine)	Halleck (Ind.)	Barkley (Ky.)	Rayburn (Tex.)
Whips	Wherry (Neb.)	Arends (Ill.)	Lucas (Ill.)	McCormack (Mass.)
Chairmen of rules committees	Brooks (Ill.)	Allen (Ill.)		
Chairmen of caucuses	Millikin (Col.)	Woodruff (Mich.)	Barkley (Ky.)	Forand (R. I.)
Steering or policy com- mittee chairmen	Taft (Ohio)	Martin (Mass.)	Barkley (Ky.)	Murdock (Ariz.)
Chairmen of commit- tees on committees	Robertson (Wyo.)	Martin (Mass.)	Barkley (Ky.)	Doughton (N. C.)

The House approved its slate for the offices on the opening day,² and confirmed its standing committee assignments of Republicans on January 14³ and of Democrats on January 16.⁴ The Senate, on the other hand, was slowed up for a brief time. On the opening day, since there was no vice-president, and a president *pro tempore* not having been elected by the new majority, the task of presiding devolved upon the secretary of the prior Congress, Mr. Leslie Biddle. The first order of business was giving the oath of office to the senators-elect. The first name, Raymond E. Baldwin, of

elected speaker and Henry T. Rainey majority floor leader, and held it continuously until January 3, 1947, when Joseph Martin, Jr., was elected speaker and Charles A. Halleck majority floor leader.

² See *Congressional Record*, 80th Cong., 1st Sess., pp. 32-37; hereafter cited as C. R., 80-1.

³ C. R., 80-1, pp. 325-326.

⁴ C. R., 80-1, pp. 393-4.

Connecticut, was called and the oath administered. Then came the name of Theodore G. Bilbo. His right to take the oath was contested. An attempt to get Arthur H. Vandenberg sworn into office and then elected president *pro tempore* was blocked. Finally the Senate recessed, with the secretary still presiding. At a second sitting, on January 4, an agreement was reached by unanimous consent, under the leadership of Senator Barkley, whereby the credentials of Bilbo were permitted to lie on the table, without prejudice, awaiting future settlement. Immediately, the other senators-elect were sworn in.⁵ The Senate was then organized with dispatch. On January 6, the Republican assignments to standing committees were confirmed⁶ and on January 8, the Democratic assignments.⁷ The question of party ratio on committees was raised and discussed at some length, but the assignments were made under unanimous consent procedure.⁸

Procedure: General Aspects. The Congress was technically in session from January 3 through December 19, but was in recess from July 27 until November 17. The Senate sat 143 calendar days and the House 144. A time tabulation shows that the Senate sat a total of 807 hours and 36 minutes, or an average of 5.6 hours per day; the House sat a total of 686 hours and 2 minutes, or an average of 4.8 hours.

Legislative proceedings in the two chambers printed out 11,889 pages of the *Congressional Record*; of this sum, the Senate consumed 6,150 pages and the House 5,739 pages. This compares with 10,921 pages for the preceding session, divided into 5,789 for the House and 5,132 for the Senate. Speeches never delivered in either House and materials incorporated under "leave to print" involved 5,302 pages of appendix, compared with 5,260 pages in the previous session.

The Senate passed 841 bills and resolutions, but only 71 of them were debated for three or more pages of the *Record*. The House passed a total of 1,029, with only 108 debated for three or more pages. These data disclose that only a small proportion of the bills and resolutions passed by each body, even less than ten per cent, could be designated as controversial. Moreover, a number of the measures debated at some length

⁵ Senator Bilbo left Washington and entered a hospital for an operation. Death prevented him from returning to the Senate for final disposition of his credentials (See C. R., 80-1, pp. 4-7).

⁶ C. R., 80-1, pp. 111-113.

⁷ C. R., 80-1, p. 167.

⁸ Senator Barkley "deplored" the fact that among "the entire list of 15 committees the majority conference decided there should be a disproportionate ratio on the Appropriations Committee, the Committee on Rules and Administration, and the Labor and Public Welfare Committee. It seems to me that other committees might have been selected to take care of all the majority members without what to me and to some of the other Senators on this side appears to be an unfair distribution on these three important committees of the Senate." (C. R., 80-1, p. 113.)

could not be considered controversial. At any rate, the proposals not included in the tabulation (770 in the Senate and 921 in the House) met with little or no opposition. And, generally speaking, they were passed under unanimous consent procedure, by "voice vote" or "without objection."

The Taft-Hartley Labor Bill, to amend the NLRB (H.R. 3020, S. 1126), and the Greek-Turkish Aid Bill (S. 938) were the two measures debated at greatest length by the Senate. In the case of the first named, it was the primary subject of consideration on 17 different days, with the debate involving 522 printed pages of the *Congressional Record*. The debate of the latter printed out 239 pages of the *Record*. The most discussed measure before the House was the European Interim Aid Bill (H.R. 4604), debated on seven days and taking up 217 printed pages.

Senate Procedure. Senate procedure merits particular comment. To begin with, the Senate, under the Reorganization Act, started off the year under a plan to meet only three days a week—Monday, Wednesday, and Friday. Proponents of the proposal felt that this would allow the standing committees more time for public hearings and the preparation of legislation.⁹ The idea, however, did not survive long; by the middle of March the calendar of business was so crowded that daily sittings were resumed. For the remainder of the session, except for the long summer recess from July 26 until November 17, the Senate met almost daily and on an average for 5.6 hours per day.

On a few occasions, the Senate experienced what might well be termed a filibuster. At times, the patience of the leadership was tried, and occasionally the temper of the debates ran high. Generally, however, the leadership directed the program according to plan. At practically all times, those in charge for both parties displayed a dignified sense of humor.

In accordance with practice, the presiding officer does not participate in a discussion of legislation from the chair, except as related to parliamentary procedure. But in his dual capacity as chairman of the Foreign Relations Committee and as president *pro tempore*, Senator Vandenberg frequently commented on legislation from the chair, perhaps as much, if not more, than any other presiding officer in the history of the Senate.¹⁰ He was an unusually active senator in determination of the program. The floor leaders and acting leaders, together with the chairman of the majority policy committee (Senator Taft), assumed influential rôles, as would be expected.

To expedite the program, the leadership commonly resorted to the use of unanimous consent agreements to bring debates on controversial issues

⁹ For comments on the innovation and reasons therefor, see remarks by Majority Floor Leader White at p. 181 of C. R., 80-1.

¹⁰ For illustrations, see C. R., 80-1, pp. 9302-9303, 3776.

to a close. The time for vote on final passage under this procedure was agreed upon while the debate of the issue was still in progress. Sometimes agreements seemed impossible, and were realized only after much effort, give and take, under the supervision of skilled hands.¹¹

There was much complaint by the senators themselves about the lack of attendance.¹² This, of course, is not a new problem; the floor leaders of both parties have chafed under the situation almost continuously in recent years. On one occasion when a complaint of poor attendance was expressed, the majority leader responded: "Yesterday I suggested that the Senator from Wyoming might with propriety, and possible benefit, suggest a modification of our rules which would help in time to solve the problem we confront. We are up against a mass of work which seemingly requires a duplication of presence of Members of the Senate in two different places at the same time."¹³ Tied up with this problem, of course, is the holding of committee meetings while the Senate is in session. Permission of the Senate to hold such meetings is necessary, but it is nearly always granted.¹⁴

Apparently, however, committee meetings while the Senate is in session

¹¹ Examples of agreements reached can be found in C. R., 80-1, at pp. 6399-6400, 4330-4331, 3691.

¹² C. R., 80-1, pp. 6851, 6910-6911.

¹³ C. R., 80-1, p. 5969.

¹⁴ Senator Tydings said: "I do not know of any more important work the Senate does than in committees. In my judgment, it is much more important than the average work done on the floor. Furthermore, so long as we have no limit on debate it frequently occurs that a member of the Senate will feel called upon, as he has the right to do, to speak for 2, 3, or 4, or 5 hours. Personally I have much work to do as an individual Senator, and I should like to be excused so that I could get some of the work done.

"The Committee on Armed Services, of which the distinguished Senator from South Dakota [Mr. Gurney] is the chairman, has been holding meetings now for about two solid months, giving everyone a chance to be heard on the very controversial merger bill. It so happens that the Appropriations Committee, of which I am a member, meets almost simultaneously with the Committee on Armed Services. The Senator from South Dakota is also a member of the Appropriations Committee, as is the Senator from Georgia [Mr. Russell], the Senator from Massachusetts [Mr. Saltonstall], and other Senators who find themselves daily being called to sessions of two committees meeting at the same time.

"If the Congress wishes to get its work done, some way must be found so that the committees can transact business. Personally, I feel that one of the oversights, perhaps, in the Reorganization Act was to compel members not to have committee meetings while the Senate is in session. There are many sessions of the Senate when all Senators ought to be present. There are many sessions of the Senate when I do not feel that a Senator can render any real service if a member is speaking for 3 or 4 hours on the floor of the Senate, when we could be devoting ourselves to considering and preparing for submission to the Senate constructive and needed legislation." (C. R., 80-1, pp. 5583-4).

is not the sole reason why attendance is poor.¹⁵ Senator Tydings, on May 19, told the Senate that he was not "going to sit here and listen" to four- or five-hour speeches "unless the Sergeant-at-Arms makes me." He added: "You get very little information out of a speech that takes four or five hours to deliver. The average man could say it all in thirty minutes."¹⁶ It should be emphasized also that quorum calls occasioned by poor attendance steal much of the Senate's time. During the session there were 332 such calls, and sometimes a single call requires as much as half an hour.

In the matter of committee jurisdiction, the Senate took an unusual but reasonable action in the case of legislation to terminate emergency and war powers. Under the rules, this legislation is handled by various standing committees. To simplify the matter, however, the Senate adopted S. Res. 35, providing that each committee having jurisdiction over such pending bills should study the particular phase with which it was concerned and report its recommendations to the Judiciary Committee, which in return should study the whole issue, including the various reports, and then recommend to the Senate what should be done. Hence the committee reported one bill (S. J. Res. 123) which had the effect of "repealing 60 statutory provisions," effecting the repeal within one year of 16 additional statutory provisions, and terminating operations under 108 further statutory provisions so far as those operations depended upon "the existence of war heretofore declared by the Congress or the emergencies proclaimed by the President on September 8, 1939, and May 27, 1941."¹⁷

At the close of the first portion of the first session, the Senate almost ran into an *impasse* over the so-called Kém Resolution (S. Res. 150) for

¹⁵ Senator Barkley, minority floor leader, stated: "Yes, Mr. President, I deplore as much as any other Senator the absence of Senators from the floor. I have labored with that problem for years. . . . I do not know what is responsible. I cannot project my vision into the bosom of any Senator and find out why he does not attend. He may have work in his office. He may have other things to look after. I doubt now, if a census were to be taken of all the committees that are in session this afternoon, if there are any which have obtained consent to sit during the sitting of the Senate, there would be found a sufficient number of members there to make up the deficiency between the number of Senators present and the number necessary to make a quorum. I doubt very much if the meeting of these committees in the afternoon has had much to do with absenteeism. I recall that a certain committee before which I was to appear a few days ago obtained consent to meet during a session of the Senate, and I appeared before the committee to testify. The chairman of the committee was the only one who was there. I made my statement and left. Certainly the consent of the Senate that that committee hold a meeting in the afternoon did not result in the absence of a quorum on the floor of the Senate. I do not know what the remedy is. (C. R., 80-1, p. 6853.)

¹⁶ *N. Y. Times*, May 20.

¹⁷ C. R., 801, p. 7740.

an investigation of the Department of Justice for not investigating and prosecuting in the case of alleged frauds committed in the primary election in Kansas City. Here the President had expressed an interest in the choice of candidates. The matter was first brought to the Senate on July 16, when S. Res. 150, to discharge the Judiciary Committee from further consideration of S. Res. 116, to make the investigation, was debated and placed on the Calendar. The motion to consider the resolution followed. The maker of the motion would not withdraw it, and the minority was determined not to let it come to a vote. From then until adjournment on July 27, all business was transacted under unanimous consent procedure, by making such a request to put aside temporarily the resolution until some other business could be transacted.¹⁸

On the last night, under this unanimous consent procedure, the Senate quickly passed the Armed Forces Promotion Bill (H.R. 3830). Senator Connally was very critical of the action. He stated: "... this is a very simple little bill. It is only 300 pages long, a bill which the Senate is asked to swallow in five minutes. . . . Why, the chairman of the committee," he said, "has not even read the bill in its entirety."¹⁹ The senator in charge, however, pointed out that the committees of the House and Senate had spent much time on the measure.

President Truman paid an informal visit to the Senate on July 23, and was recognized for five minutes to address the Senate. Senator Vandenberg, in recognizing the President, said: "There are few situations in the life of the Senate for which there is not some available precedent. The present happens to be one, however, for which no precedent is known. The chair is very happy to welcome the former Senator from Missouri to his old seat in the Senate. . . . The ex-Senator from Missouri is recognized for five minutes."²⁰

House Procedure. The House passed 1,029 bills and resolutions; others were discussed, but were defeated or never came to a direct vote. Approximately 900 of the measures passed were brought up under unanimous consent procedure, on call of the Unanimous Consent Calendar, or on call of the Private Calendar. Under either of these procedures, the bills or resolutions are normally passed "without objection" or by unanimous consent. The others were brought up under special rules, suspension of the rules, call of District of Columbia business, or as privileged business because of the nature thereof.

Without regard to the number of bills passed, the time spent by the House was primarily devoted to the disposition of bills and resolutions brought up under special rules or because of their privileged status—as

¹⁸ Conference reports (privileged business) could be brought up under regular procedure, merely staying the pending business until finished.

¹⁹ C. R., 80-1, 10609-10614.

²⁰ C. R., 80-1, p. 10020.

general appropriation bills and tax bills.²¹ In effect, approximately 125 measures were thus approved. Fifty-two bills and resolutions were cleared for consideration by the use of special rules. The Rules Committee actually reported 70 resolutions providing for special consideration of 70 pieces of legislation, but the House adopted only 58 of them;²² six of these were adopted solely to waive points of order against general appropriation bills, which because of their nature were privileged for immediate consideration. The six resolutions were thus justified to prohibit the elimination of provisions in the six appropriation bills on points of order. A single member, by raising a valid point of order under the rules of the House, may eliminate any or all legislative provisions in an appropriation bill or any provisions not germane to any bill. Actually, 33 of the 58 resolutions waived points of order against 33 bills, including the six appropriation measures. Five of the 52 did not allow the bills to be read under the five-minute rule for amendments; instead, they provided that the bills be considered as having been read for amendment. Four of these allowed committee amendments only, and one prohibited any amendment. The other 47 were read for amendments under the five-minute rule. The previous question to final passage was considered as ordered in the case of all 52 bills and resolutions brought up for consideration under a special rule, immediately after the general debate and amending process, "except for one motion to recommit."

The 58 special rules adopted compares with 57 for the preceding session,²³ but 33 of these waived points of order against the pieces of proposed legislation as compared with 13 in the prior session. Of the 58 bills and resolutions considered under these 58 special rules, 37 became public law, 15 passed the House but were still pending in the Senate without final action at adjournment of the first session, five were vetoed, and one died in conference.

No bills were passed under Calendar Wednesday procedure, but 13 were passed under suspension of the rules. Under the latter device, the Speaker is free to recognize whomsoever he wishes to bring up whatever bill he desires. One bill (H. J. Res. 273) for the stabilization of commodity prices was called up under suspension of the rules and defeated by a vote of 202 to 188; a companion bill was brought up and passed four days later under a special rule, after it had passed the Senate, becoming law on December 30.²⁴

²¹ Considerable time was spent on conference reports and veto messages, both of which are privileged business.

²² Fifty-eight were adopted, seven were laid on the table when bills for which they provided consideration were passed under unanimous consent, and five were left on the calendar at the end of the session.

²³ Fifty-nine were acted on, but only 57 were adopted—one was defeated and the other recommitted.

²⁴ The original copy of this bill sent down for the President's signature was lost

Ten motions to discharge committees from further consideration of bills were filed, but not one received a sufficient number (218) of signatures for entry on the Discharge Calendar. A considerable amount of the House's time was devoted to yeas and nays and roll calls—there were 84 yeas and 69 quorum calls. It took an average of at least half an hour for each of these, or roughly 76 hours in all.

In one day's sitting, November 24, the House adopted 10 resolutions citing 10 employees of the movie industry for contempt for refusal to answer questions before the Committee on Un-American Activities. The first two were adopted by yeas and nays of 346 to 17 and 240 to 15. The other eight were adopted by voice vote.

Legislative Activity. Five hundred and twenty-six laws were enacted, of which 395 were public and 131 private;²⁵ these figures being a decrease from those for the preceding session.²⁶ The House passed 1,029 bills and resolutions, and the Senate 841.²⁷ Sixty-six measures were sent to conference, after having passed the two houses in substantially different forms; and all but four of these were cleared for the President. Conferees actually filed 59 written reports.

in the White House, which caused a bit of excitement. With the deadline approaching before the President had to sign or pocket veto it, a duplicate copy had to be rushed to the speaker and president *pro tempore* for signature.

²⁵ Under Section 131 of the Reorganization Act, private claims arising after January 1, 1945, may not "be received and considered in either the Senate or the House." The one-year statute of limitation is stipulated in the Federal Tort Claims Act as not applicable to such claims arising prior to January 1, 1945. Likewise, claims arising prior to January 1, 1945, are not banned under Section 131 of the act. Hence, bills involving claims prior to January 1, 1945, may be introduced at any time. Also, there are other possible exceptions under the Federal Tort Claims Act.

²⁶ During the second session of the Seventy-ninth Congress, 967 laws were enacted—440 public and 527 private.

²⁷ The legislative activity of the two chambers was greater than the number of laws enacted. Of the 1,029 measures passed by the House, 568 were House bills, 138 Senate bills, 33 House joint resolutions, 29 Senate joint resolutions, 21 House concurrent resolutions, 10 Senate concurrent resolutions, and 230 House resolutions. (In the second session of the Seventy-ninth Congress, 1,183 measures were passed). During the first session of the Eightieth Congress, 5,658 bills and resolutions were introduced in the House, of which 4,831 were House bills, 284 House joint resolutions, 129 House concurrent resolutions, and 414 House resolutions. (In the second session of the Seventy-ninth Congress, 2,566 bills and resolutions were introduced in the House). House committees made 1,234 reports.

Of the 841 measures passed by the Senate in the first session of the Eightieth Congress, 278 were Senate bills, 368 House bills, 47 Senate joint resolutions, 30 House joint resolutions, 12 Senate concurrent resolutions, 19 House concurrent resolutions, and 87 Senate resolutions. (In the second session of the Seventy-ninth Congress, 1,098 measures were passed.) During the first session of the Eightieth Congress, 2,312 bills and resolutions were introduced, of which 1,924 were Senate bills, 170 Senate joint resolutions, 37 Senate concurrent resolutions, and 181 Senate resolutions. (In the second session of the Seventy-ninth Congress, 977 bills and resolutions were introduced in the Senate). Senate committees made 809 reports.

Appropriations. Twenty-three regular, supplemental, deficiency, emergency, and specific appropriation bills, involving a total of \$30,130,712,139 of direct appropriations were enacted; this compares with \$34,794,462,114 appropriated during the previous session. The budget estimates on which these appropriations were based totaled \$33,455,812,942. The bills involved contract authorizations totaling \$1,394,932,355, based on budget estimates of \$1,093,502,755. Reappropriations amounted to \$58,236,477. Congress rescinded \$4,069,167,407 in direct appropriations already provided and \$132,000,000 of contract authorizations.²⁸

The legislative budget procedure under the Reorganization Act was not successful. The Joint Committee on the Legislative Budget examined the President's estimates and filed its report on February 15, recommending a reduction of six billion dollars in the budget estimates. Subsequently, concurrent resolutions were introduced in each House to limit the amount of federal expenditures for the fiscal year 1948. The House passed its concurrent resolution (H. Con. Res. 20) on February 20, proposing to cut the President's budget by six billions. The Senate passed the resolution on March 3, proposing to reduce the estimates by four and one-half billions. The resolution was sent to conference on March 4, where it was permitted to remain through adjournment.²⁹

For the first time in years, the Senate Appropriations Committee held public hearings on all of the appropriation bills, as proposed in the Reorganization Act. The House committee voted to continue its hearings in executive session.³⁰

Members of both appropriations committees were critical of the Administration for failure to cooperate in the attempt to reduce expenditures. To illustrate, Senator Knowland stated: "The committee did not get the type of cooperation from the executive branch of the government that I feel a committee representing the Senate is entitled to have from the executive branch."³¹ Representative Robertson declared: "We are confronted with one of the most difficult problems which a legislative body has to meet—the task of reducing appropriations in the face of demands

²⁸ These figures were compiled by the Bureau of the Budget.

²⁹ In discussing the resolution, Senator O'Mahoney stated: "I believe that public spending should be reduced to the utmost, but I recognize the fact, which the whole country ought to know, that this resolution is nothing more than a gesture; it means nothing; it is not a commitment." Senator Taft replied: "... When we adopt this resolution . . . I shall regard it as a promise, so far as I personally am concerned, to see that the appropriations passed by the Senate do not exceed that amount." (C. R., 80-1, pp. 1646-1647.)

³⁰ The Reorganization Act provides: "All hearings conducted by standing committees or their subcommittees shall be open to the public, except executive sessions for marking up bills or for voting or where the committee by a majority vote orders an executive session." Sec. 133 (f).

³¹ C. R., 80-1, p. 4643.

for greater appropriations from nearly every agency. We have received little or no help from the heads of agencies in this all-important task of reducing appropriations."³²

In one of its reports, the House Appropriations Committee pointed out that: "One of the most amazing pieces of testimony in the record is that of the General Accounting Office indicating that almost nowhere in the Government is there any semblance of cost accounting; that billions of dollars have been spent which can never be properly accounted for. It appears that the General Accounting Office has encountered difficulty in inducing certain Government agencies to adopt accounting systems which it deems to be essential. The Maritime Commission, to take one example, has apparently declined to coöperate in this respect for almost 10 years. The Comptroller-General, it will be recalled, found that this agency had spent over \$8,000,000,000 up to July 1, 1943, which could not be properly accounted for."³³

Most of the reports were critical of government spending, particularly those by the House committee. Not only was a reduction urged in the over-all spending by the government, but the reports by the committees insisted that particular agencies curtail their outlays and that expenditures for specified purposes be reduced or eliminated. The House, in the Labor-Federal Security Appropriation Bill, struck at Edgar L. Warren. Its committee reported that "after thoroughly discussing the background, attitudes, and actions of the present Director of the Conciliation Service, the committee is of the opinion that it cannot appropriate public funds for a position to be filled by such an individual."³⁴ Mr. Warren finally resigned his post.

Funds were carried for payment of judgments rendered by the Court of Claims in favor of Goodwin B. Watson, William E. Dodd, Jr., and Robert Morse Lovett. Congress had formerly written provisions in appropriation bills to prohibit salaries to these persons on grounds of being unfit for government service. They then worked for short periods and sued for recovery of salaries.

Investigating Committees. There was an attempt to include in the Legislative Reorganization Act of 1946 a provision to ban special investigating committees; the Senate approved it, but the House did not. With the beginning of the Eightieth Congress, there was a fight on the part of a strong minority to prohibit the creation of any further investigating committees. It was proposed that any and all future investigations be made by the standing committees or subcommittees thereof. Nevertheless, various special and investigating committees were continued or created *de novo*. In

³² C. R., 80-1, p. 7325.

³³ H. Rept. 589, p. 3. This report accompanied H. R. 3839, Independent Offices Appropriation Bill, 1948.

³⁴ H. Rept. 178, p. 9.

addition to joint committees, the House and Senate adopted resolutions to authorize 24 and 14 general classifications of investigations, to be undertaken primarily by their standing committees, respectively, as set forth in a footnote below. These resolutions authorized studies by special committees or standing committees, or subcommittees thereof, in the fields of agriculture; business, industry, and trade; government; foreign affairs and immigration; national defense; taxation and finance; and various other specific matters.³⁵ Each standing committee in the Senate is authorized to make inquiries into "matters within its jurisdiction" under the Legislative Reorganization Act, though it must have the Senate's approval for additional funds. House standing committees do not have such blanket authority.

The Senate as a Council. Nominations received by the Senate during the session totaled 40,557, of which 39,855 were confirmed, none rejected, 132 withdrawn, and 570 left unconfirmed at the close of the session.³⁶ This is

³⁵ The Senate adopted the following: S. Res. 20, small business; S. Res. 46, national defense; S. Res. 54, 114, and 142, election of senators; S. Res. 75, surplus property; S. Res. 120, judicial matters; S. Res. 129-130, appropriations; S. Res. 132, RFC; S. Res. 141, social security; S. Res. 137, immigration and displaced persons; S. Res. 148, Indians, reclamation, and related problems; S. Res. 147, agriculture; S. Res. 152, governmental relationships; S. Res. 156, interstate and foreign commerce matters; and S. Res. 161, "voice of America" program.

The House adopted the following: H. Res. 18, small business; H. Res. 36, merchant marine and fisheries; H. Res. 58, newsprint; H. Res. 61 and 151, appropriations; H. Res. 90 (see also 100, 170, 185, 196, 197, 207, 333, 334), government agencies, including surplus property, propaganda activities, rules and regulations; H. Res. 77 (also H. Res. 152), providing funds for investigations by Un-American Activities Committee; H. Res. 93, matters of Public Lands Committee; H. Res. 111, matters of Education and Labor Committee; H. Res. 118, actions, regulations, etc., of government agencies; H. Res. 120, Veterans Affairs Committee investigations; H. Res. 141, Armed Services Committee investigations; H. Res. 153, Interstate and Foreign Commerce Committee investigations; H. Res. 166, potato surplus; H. Res. 176, Post Office and Civil Service Committee investigations; H. Res. 195, D. C. home rule; H. Res. 211, surveys of certain works of improvement; H. Res. 293, internal revenue laws; H. Res. 295, Foreign Affairs Committee investigations; H. Res. 296, foreign aid; H. Res. 298, Agriculture Committee investigations; H. Res. 338, investigation of contested elections cases; H. Res. 373, funds and authority to Committee on Public Works; H. Res. 403, to study gray markets; and H. Res. 404, commodity exchange investigations.

The following were joint investigations: S. Con. Res. 19, consumer prices by Joint Committee on Economic Report; H. Con. Res. 104, housing; Public Law 101, Special Joint Labor Study Committee; Public Law 162, Commission to Study Executive Branch of Government; Public Law 585 of 79th, Atomic Energy; Public Law 601 and 304 of 79th, Joint Committee on the Economic Report; Public Law 250 of 77th, Joint Committee on Non-essential Expenditures; Section 1203 of Revenue Act of 1926, Joint Committee on Internal Revenue Taxation; Public Law 287, Temporary Congressional Aviation Policy Board.

³⁶ The Armed Forces nominations were held over for the ensuing session; instead

the largest number of nominations ever submitted during a single session; 25,966 were submitted in the previous session, the second highest number.

The most debated nomination of the session was that of David E. Lilienthal to be chairman of the Atomic Energy Commission. The Senate debate involved 166 printed pages of the *Record*, and the nomination was the subject of discussion on eight different days. Finally on April 9 it was confirmed by a vote of 50 to 31, after a motion by Senator Bricker to recommit it for further investigation was rejected by a vote of 38 to 52.

The nomination of Gordon R. Clapp to be a member of the Board of Directors of the TVA was confirmed on April 24 by a vote of 36 to 31. The Committee on Public Works had adversely reported the nomination on February 28 by a vote of 7 to 5.

Senator O'Daniel contested the nomination of Joseph B. Dooley to be United States district judge on the ground that "this man is personally obnoxious to me." On July 1, 1947, however, the nomination was confirmed. Senator Tydings sponsored the nomination of Philip B. Perlman to be Solicitor-General of the United States. Judiciary Committee action on the nomination was delayed, but finally reported on July 21, 1947, after Senator Tydings on a prior occasion had proposed discharge of the committee from further consideration of it. The nomination was not brought up in the Senate until the dying moments of the first part of the session, July 27, following adoption of S. Con. Res. 33 to adjourn the session until January 2, after the House had already adjourned.

Action on all postmaster nominations was delayed until July. The Democrats insisted, meanwhile, that something should be done about reporting and confirming nominations of several hundred postmasters; the Republicans maintained that more study should be made before final action. Before the session was adjourned, however, most of the nominations were confirmed.

Treaties consumed very little of the Senate's time. The Inter-American Treaty of Reciprocal Assistance signed at Rio de Janeiro on September 12, 1947, was ratified on December 8 by a vote of 72 to 1. Other treaties approved during the session included one with China on Friendship, Commerce, and Navigation; the Italian, Rumanian, Bulgarian, and Hungarian peace treaties; the protocol prolonging the international agreement regarding the regulation of production and marketing of sugar; and the inter-American coffee agreement.

On April 17, Senator Vandenberg reported on behalf of the Committee on Foreign Relations a resolution which was passed without objection, directing the secretary of the Senate to return 19 obsolete treaties which

of having to be resubmitted. This procedure was possible under unanimous consent to suspend Rule 38, paragraph 6, as applied to these nominations.

in his message to the Senate on April 8, 1947, the President had asked to have withdrawn.

Congress and the Administration. The relationship between the President and Congress took its tone from their differences in political faiths. As in all recent Congresses, nevertheless, the Administration formulated its program, sent it to the House and Senate, and urged its enactment. The program was submitted to the legislature primarily in three documents: the State of the Union message,³⁷ the budget message for the fiscal year 1948,³⁸ and the special message of November 17, 1947,³⁹ on "interim aid for certain Western European countries and a program to curb inflation in the United States."

Some of the program was enacted substantially in the form recommended, some of it was ignored, while other parts of it were the subject of legislative enactment, but not necessarily to the taste of the Administration. A few major bills, having passed both houses, were vetoed; and the vetoes were sustained. By and large, the President was not too successful in getting what he asked for except in the case of his foreign policy.

The President's interim aid program "for certain Western European countries" became law on December 17 (P.L. 389) practically in the form requested. His recommendation for terminating certain emergency and war powers⁴⁰ was approved on July 25.⁴¹ The presidential succession proposal, making the speaker of the House the third in line, became law on July 18.⁴² The President was granted \$400,000,000 for aid to Greece and Turkey.⁴³ After many meetings and prolonged hearings, the bill to create a National Military Establishment by consolidating the various branches of the Armed Services became law.⁴⁴ Other proposals of major importance written into law in close keeping with the Administration's recommendations included: re-incorporation of the Export-Import Bank;⁴⁵ extension of rent control;⁴⁶ extension of the Commodity Credit Corporation to June 30, 1948;⁴⁷ R.F.C. extension until June 30, 1948;⁴⁸ extension of the

³⁷ C. R., 80-1, pp. 135-9.

³⁸ H. Doc. 19 of 80th Cong.

³⁹ H. Doc. 430 of 80th Cong.

⁴⁰ See H. Doc. 141 of 80th Cong.

⁴¹ See S. J. Res. 123, which became P. L. 239.

⁴² Original message submitted on June 29, 1945; a supporting letter was sent on Feb. 5, 1947; S. 564 became P. L. 199.

⁴³ S. 938; P. L. 75.

⁴⁴ S. 758 became P. L. 253.

⁴⁵ S. 993; P. L. 89.

⁴⁶ H. R. 3203; P. L. 129.

⁴⁷ S. 350; P. L. 130.

⁴⁸ S. J. Res. 135; P. L. 132.

Second War Powers and Export Control Acts;⁴⁹ the Sugar Act of 1948;⁵⁰ and the Armed Services Personnel Act.⁵¹

A number of the President's recommendations were never enacted; some never passed the discussion stage. The "establishment of a well-integrated Department of Welfare" reached only the stage of introduction. Suggestions to "protect the civil rights of citizens" were barely mentioned. A bill to establish and carry out a national housing policy was reported in the Senate,⁵² but never passed that stage. Nothing was done to "set the stage for permanent farm welfare." Selective service was permitted to expire as of March 31 without extension and before any action was taken on Universal Military Training.⁵³ At the time of adjournment on December 19, Congress had acted on only one of the proposals of the President in his message of November 17. No bill was enacted by the end of the first session to carry out the ten recommendations in that message on his anti-inflation program. Congress did enact a bill (S. J. Res. 167) "to aid in the stabilization of commodity prices and to stabilize the United States economy" by voluntary methods (P.L. 395). Finally, no legislation was forthcoming on educational aid (except for veterans), FEPC, extension of social security benefits, statehood for Hawaii, self-government for the District of Columbia, the St. Lawrence waterway, and minimum wage increase.

Congress, in spite of the President, enacted bills on labor-management relations,⁵⁴ freezing pay-roll taxes at one per cent until 1950, and portal-to-portal pay.⁵⁵ Two of these issues provoked much controversy. The Taft-Hartley Labor Bill passed both houses after heated contests, and by large enough majorities to override a veto; the same was true in the case of the conference report, which was basically the Senate bill.⁵⁶ The bill was duly vetoed, but there was little question that it would become law from the date the Senate first passed its version on May 13, 1947. There was question as to how it would be administered. The President had characterized the proposed law as "unworkable" and had added that it would "do serious harm to our country." This situation caused various members of Congress publicly to question the wisdom of the part the President had played before a final verdict by the House and Senate.

In the case of the Portal-to-Portal Pay Bill, the President finally signed

⁴⁹ H. R. 3647; P. L. 188.

⁵⁰ H. R. 4075; P. L. 388.

⁵¹ H. R. 3830; P. L. 381.

⁵² S. 866; S. Report 140.

⁵³ Bills were introduced and hearings and executive sessions were held, but committees never voted to report such a measure.

⁵⁴ H. R. 3020; P. L. 101.

⁵⁵ H. R. 3818; P. L. 379.

⁵⁶ H. R. 2157; P. L. 49.

the measure, but unwillingly; and he sent a message to Congress explaining his reasons for signing—an unusual procedure. In this message, he placed certain interpretations upon what the law meant. In reply, the Judiciary Committee issued a statement on the “full intent and purpose of the legislation.” The Chief Executive’s procedure was criticized. A Democratic senator stated: “Mr. President, I want it understood that I do not believe that any statement by the President, when he either signs or vetoes an act of Congress, becomes any part of its legislative history.”⁵⁷

The President vetoed several important bills which were not passed over his veto. Among them were the two bills “to reduce individual income tax payments.” Congress was unable to override the veto in either instance; the House mustered a two-thirds vote in the second case, but the Senate failed by a vote of 57 yeas to 36 nays.⁵⁸ Congress sustained the President’s veto of S. 814 to provide price support for wool, but it took his reasons into consideration and then enacted another bill (S. 1498) which the President signed. The pocket veto of S. 526, Science Foundation Act, of August 6, 1947, was final; nothing further was done about it during the second portion of the session.

There was considerable comment in the two houses concerning pressure incited by the Administration and brought to bear on Congress to get certain funds or legislation. To illustrate: in the case of the “customs budget,” the activity by the National Customs Service Association to get the full amount of the budget estimates appropriated was emphasized. This caused a considerable stir and incited much condemnation of administrative activity in the interest of self-perpetuation.⁵⁹ A comparable picture was exhibited in the case of funds for the soil conservation program carried in the Agriculture Appropriation Bill.⁶⁰ As a result of an investigation by the House Committee on Expenditures in the Executive Departments into publicity and propaganda as relating to universal military training, a special report was made to the House which concluded: “On the basis of the evidence at hand, the War Department, its personnel, and civilian employees have gone beyond the limits of their proper duty of providing factual information to the people and the Congress and have engaged in propaganda supported by taxpayers’ money to influence legislation now pending before the Congress.”⁶¹

Speeches in both chambers and reports of the House and Senate com-

⁵⁷ C. R., 80-1, p. 6416: comment by Senator McGrath.

⁵⁸ The two bills were H. R. 1 and H. R. 3950.

⁵⁹ See C. R., 80-1, p. 3066; also see legislative history of H. R. 2849, Deficiency Appropriations Bill.

⁶⁰ See legislative history of this bill (H. R. 3601) and the attention called to letters sent out by county agents, etc.

⁶¹ House Rept. 1073, p. 7.

mittees devoted to the annual supply bills gave continual warnings to administrative agencies to curtail their expenditures, stop wasting funds, increase their efficiency, cut off any unnecessary outlays, keep within the confines of the law and their respective jurisdictions, and move at all times toward carrying out the "intent of Congress."

During the session, President Truman vetoed 32 bills, of which one became law over his veto.⁶² The House failed in its attempt to override the veto of the first tax bill (H.R. 1); in the case of the second (H.R. 3950), the House was successful, but the Senate failed. Nineteen of the vetoes were of the pocket variety.

⁶² H. R. 3020, labor bill; P. L. 101.

STATE CONSTITUTIONAL LAW IN 1947-48*

FOSTER H. SHERWOOD

University of California (Los Angeles)

The total number of cases arising under state constitutions this year is substantially larger than last year. The bulk of the increase seems to fall in the area of civil rights, particularly procedural rights, although there is some increased activity in areas of state and local government as well. The cases fall readily into the general pattern followed in last year's survey.

I. GOVERNMENTAL ORGANIZATION

1. *State Government.* The standing and circumstances necessary to enable a party to secure a decision on the constitutionality of a statute were discussed by the highest courts of four states. In 1947, the Tennessee legislature passed an Anti-Closed Shop Act which was promptly attacked by a union recognized by the NLRB as exclusive bargaining agent in the defendant plant. A county chancery court upheld the statute against arguments that it violated the state and federal constitution. Before the day fixed for hearing on appeal, the union requested that the appeal be dismissed, a request resisted by the employer and the attorney-general.¹ It is clear from the argument on the request that both parties were seeking an adjudication on the federal question from the federal Supreme Court. Evidently, however, the union decided to press the matter to the latter court in a different and more favorable controversy. In this case, since the lower court upheld the constitutionality of the law, the public interest, it was said, would not be impaired by dismissal. From the precedents cited, however, it seems likely that if the lower court decision had been against the law's constitutionality, the Supreme Court would have refused the request. The same court also held that where the defendant has attacked the constitutionality of a statute unsuccessfully in a criminal trial, he may not raise the same questions in a civil case brought against him, even when the prior adjudication was made in an unpublished opinion.²

The supreme court of Illinois refused to take jurisdiction on a direct appeal from a judgment of a superior court because the matter appealed

* I am indebted to Miss Eva Zimble, research assistant in political science, for aid in the preparation of this manuscript.

¹ *Federal Firefighters v. Roane-Anderson Co. et al.*, 206 S.W. (2nd) 369 (Tenn., Dec., 1947).

² *Haynes v. Sanford et al.*, 206 S.W. (2nd) 796 (Tenn., Nov., 1947). The court, however discussed the question raised and concurred with the lower criminal court. To the same effect, *State v. Manard*, 185 P. (2nd) 483 (Okla. Cr. App., Oct., 1947).

was not the type of constitutional question required to give it jurisdiction.³ The lower court had refused to set aside the sale of certain certificates and judgments based on the constitutional liability of bank stockholders. Petitioner claimed that this action deprived him as a bank creditor of the opportunity to bid for their purchase and deprived him of property without due process of law. Since this came down to a question of whether more could be recovered by sale of the judgments than by their execution, all the supreme court could review was the question of abuse of discretion, which was not a direct attack on the statute. In another decision on the same subject, this court held that a claim that the statute under attack was unconstitutional only to the extent that it was to be applied to him, but otherwise was valid, did not raise a constitutional question of a nature to justify a direct appeal.⁴ This was held even though the trial judge certified to the contrary.

A West Virginia case concerns the power of the state to sue. The statute provided a system for the disposal of tax delinquent lands. Such lands were to be sold for taxes due and, if no higher bid was entered, were to be bought by the state. Subsequently they could be sold by means of a suit in equity against the former owner for what they would bring. The constitution provides that the latter sale can take place only when the state's title has become absolute, while the statute provided that the title becomes absolute only by instituting sale proceedings. The court dismissed the actions as premature.⁵ Similarly, an attack on a pension fund on the ground that, as the law was construed, the fund would not be adequate to pay the claims against it was premature as respects the litigant suing when there still was money in the fund.⁶

The Missouri court held that a constitutional provision giving the supreme court appellate jurisdiction to hear cases involving construction of the revenue laws or cases to which a political subdivision of the state is a party, did not give jurisdiction to hear an action to recover delinquent taxes levied by a sewer district.⁷

Unique standing in a controversy which sets the petitioner apart from other citizens, electors, taxpayers, or residents is required to create a legal case or controversy upon which the judiciary can operate in Montana. A resident, citizen, and taxpayer lacks such a special interest to

³ *Lurie v. West Town State Bank*, 75 N.E. (2nd) 895 (Ill., Nov., 1947). See also *Kauffroath v. Wilbur*, 185 P. (2nd) 522 (Ariz., Oct., 1947); *Butane Corp. v. Kirby*, 187 P. (2nd) 325 (Ariz., Dec., 1947).

⁴ *Village of Riverside v. Kuhne*, 73 N.E. (2nd) 286 (Ill., May, 1947).

⁵ *State v. Farmer's Coal Co.*, 43 S.E. (2nd) 625 (W.Va., Jan., 1947). See also *Shumway v. Fleishman*, 187 P. (2nd) 636 (Ariz., Dec., 1947).

⁶ *Taylor v. Marsh*, 43 S.E. (2nd) 606 (S.C., July, 1947).

⁷ *St. Ferdinand Sewer Dist. v. Turner*, 203 S.W. (2nd) 731 (Mo., July, 1947). See also *Sound Inv. Co. v. Griffin*, 205 S.W. (2nd) 257 (Mo. App., Oct., 1947).

permit him to attack a statute providing for licensing of slot machines as in conflict with the constitutional ban on lotteries.⁸

Most constitutions contain limitations on the jurisdiction of certain types of courts in terms of the amount of money involved or the seriousness of the crime charged. When the plaintiff sues for damages in an amount sufficient to fulfill such a requirement, or the aggregate of several plaintiffs' claims is sufficient,⁹ and the defendant files a cross action for less than the minimum, there is considerable doubt about the power of the court to render an affirmative judgment for the defendant.¹⁰

When the constitution provides an exclusive original jurisdiction in a specified court, the legislature is not prevented from providing for an appeal and trial *de novo* of the same case in another court, although the constitution will require that the appeal must be from the decision and not from interlocutory rulings.¹¹ Similarly, when a case is appealed to the supreme court under a constitutional provision authorizing transfer when the judges of the lower court are evenly divided, the supreme court will rule only on the question certified.¹²

The question of whether a constitutional provision directing that the courts shall be open except on legal holidays invalidates by implication a judgment made on such a day has produced considerable confusion in the decisions of state courts. Montana this year joins those states which hold that a failure to object at the time constitutes a waiver and precludes such an objection on appeal.¹³ Procedural details were also clarified in Florida, where the supreme court held that the legislature could authorize declaratory decrees by an equity court affecting a contract for the sale of chattels without violating the constitutional provision preserving the distinction between law and equity.¹⁴

⁸ *Chovanak v. Matthews*, 188 P. (2nd) 582 (Mont., Jan., 1948). The action was brought under the Uniform Declaratory Judgment Act. See also *Cobb v. S. C. Nat'l Bank*, 43 S.E. (2nd) 465 (S.C., July, 1947), holding that the guardian of an insane person has a right to an appeal even though such a right is unmentioned in applicable legal provisions, and even though such a right is not inherent. And see *Metcalf v. Howard*, 201 S.W. (2nd) 197 (Ky., Mar., 1947), holding that county officers may attack the constitutionality of a statute as to the way in which it applies to counties other than their own. Compare *Sypolt v. Shaffer*, 43 S.E. (2nd) 235 (W.Va., Jun., 1947); *Cothran v. Rock Hill*, 43 S.E. (2nd) 615 (S.C., July, 1947).

⁹ *City of St. Louis v. Essex Inv. Co.*, 204 S.W. (2nd) 726 (Mo., Oct., 1947).

¹⁰ *Watkins v. Cossaboom*, 204 S.W. (2nd) 56 (Tex. Civ. App., June, 1947), held that the court had jurisdiction.

¹¹ *Hartley v. Heboell*, 44 S.E. (2nd) 896 (Ga., Oct., 1947). The same reluctance to interfere with interlocutory rulings, in this case by writ of prohibition, is found in *Sheffer v. Speckman*, 205 S.W. (2nd) 305 (Ky., Oct., 1947). See *contra Sicker v. Powers*, 74 N.E. (2nd) 638 (Ohio, App., Dec., 1947).

¹² *Rawleigh Co. v. Forbes*, 43 S.E. (2nd) 642 (Ga., July, 1947).

¹³ *Miller v. Emerson*, 186 P. (2nd) 220 (Mont., Oct., 1947).

¹⁴ *Fraser v. Cohen*, 31 So. (2nd) 463 (Fla., July, 1947).

A much more significant question was raised in Tennessee. There the constitution provides certain qualifications for inferior court judges. In 1937, the legislature added to the qualifications by requiring that the judge be an attorney. The supreme court held that the clear implication of the constitution was that the qualifications enumerated were exhaustive, and that another constitutional section providing for the appointment as special judges of "men of law knowledge" indicated that the authors of the document did not believe that legal experience should be a monopoly of the profession.¹⁵ The same court also held that a county court is a constitutional court within the meaning of the section providing for removal of the judge by the legislature, even though he was paid from county funds and duties annexed to his office by statute are in many cases not of a judicial character.¹⁶

An equally significant problem was raised in Missouri. There the constitution provided for a fixed number of magistrate courts in counties of four population classes and conferred on the circuit court in the county the power to increase the fixed number by two "on petition" and hearing, and "according to the needs of justice." The legislature then passed a statute authorizing circuit courts in the three largest classes of counties to increase the number of magistrate courts upon petition signed by 500 qualified residents. A petition signed by two qualified residents in a county of the smallest class was filed with the circuit court. In a proceeding to secure a writ of prohibition against the circuit court judge, the supreme court held, first, that the statutory requirement of 500 signatures was not a violation of the constitution but rather a reasonable implementation of it, even though the constitutional section involved was self-executing. This would have permitted the grant of the writ if the court had limited its opinion to the decision required. But the bulk of the opinion is concerned with the constitutionality of the provision limiting the power to create new courts of the three largest classes of counties. The court here ruled that this provision was invalid; yet since it was separable from the rest of the statute, the law should be read as if the words "in counties of more than 30,000 inhabitants" had never existed.¹⁷ Nor did the court see any reason to modify this conclusion because the law made no provision for magistrates' salaries in this class of counties.

Legislative organization and procedure was the subject of three decisions. In one, it was held that a proposed constitutional amendment would not be invalidated by being given its third and final reading in the

¹⁵ *Kinnett v. Mason*, 206 S.W. (2nd) 789 (Tenn., Nov., 1947).

¹⁶ *State ex rel. Brooks et al. v. Eblen*, 206 S.W. (2nd) 793 (Tenn. Nov., 1947).

¹⁷ *State v. Walden*, 206 S.W. (2nd) 979 (Mo., Dec., 1947). Two justices dissented. On the power of judicial amendment of statutes, see also *Rogan v. B. & O. R. Co.*, 52A (2nd) 261 (Md. App., Mar., 1947); *Birmingham v. M & W. Min. Co.*, 180 P. (2nd) 615 (Kan., May, 1947).

house on the same day that it received its first reading in the senate under a constitutional provision which forbids more than one reading in a chamber on the same legislative day.¹⁸ The second concerned the question of whether a state legislator may recover for room and meals, while attending the legislature, under sections of the constitution which require payment "while in attendance at regular or extra sessions of the legislature . . . for actual expenses incurred for room and meals . . ." Another article of the constitution limits compensation to three dollars *per diem*.¹⁹ The answer depends on whether such expenses are governmental or personal, the former being allowable, while the latter are not. Governmental or official expenses include only those which "are necessary to enable the legislature to properly perform its function, while those that are personal are those that must be incurred by a member of the legislature in order to be present at the place of meeting . . ." Thus the statute giving a right of recovery for these expenses is unconstitutional. The last case concerns the power of the legislature to establish by statute a state legislative council, composed entirely of legislators, to function while the legislature is not in session.²⁰ Such councils have been established in fourteen states²¹ to carry on investigation and research activities which will be of use in the ensuing legislative session. The court, in upholding the law, distinguishes between those cases which hold that the legislature lacks power to establish an interim committee by resolution to function after its adjournment and this case where the method of creation was by statute.

The nature of the presumption of validity attaching to the procedure of legislative bodies was discussed in only one case this year. Georgia was one of those states in which a properly enrolled act was conclusively presumed to have been enacted in accordance with all constitutional requirements.²² Under the new 1945 constitution, however, it is provided with respect to local acts that notice of pendency of the bill be published for 60 days prior to its introduction and that a copy of such notice be attached to the proposed act. The judges held that since they could not go behind the enrolled bill, and since, as enrolled, the bill contained no such attachment, it was invalid.²³

¹⁸ Opinion of the Justices, 30 So. (2nd) 671 (Ala., May, 1947).

¹⁹ *Ferris v. Aten*, 28 N.W. (2nd) 899 (Mich., Oct., 1947). One justice dissented, citing decisions in South Dakota, Tennessee, and Wyoming.

²⁰ *State ex rel. Hamblen v. Yelle*, 185 P. (2nd) 723 (Wash., Oct., 1947). Another issue involved is discussed under separation of powers below.

²¹ Besides Washington, the other states are Connecticut, Illinois, Kansas, Kentucky, Maine, Maryland, Missouri, Nebraska, North Dakota, Oklahoma, Pennsylvania, Rhode Island, and Virginia. See also *Parker v. Riley*, 18 Cal. (2nd) 83, 113 P. (2nd) 873 (1941), to the same effect with respect to a commission on interstate cooperation.

²² See Foster H. Sherwood, "State Constitutional Law in 1946-47," in this REVIEW, Vol. 41, pp. 710-711 (1947).

²³ *Smith v. McMichael*, 45 S.E. (2nd) 431 (Ga., Dec., 1947). The act under at-

Limitations on the enactment of local or special acts were considered in several other decisions. In Maryland, the constitutional prohibition against enactment of such legislation as an emergency law was held not to prevent passage of an act enabling World War II veterans under 21 years of age to participate in the benefits of the federal Servicemen's Readjustment Act.²⁴ The court held that the legislative declaration of an emergency is conclusive on the courts; and that such a statute is not a special act merely because it affects a small group of people. "Such laws are not regarded as conferring 'special privilege' if there is a reasonable difference in the fact and circumstances between the class and the other citizens of the state." Of like kind is an Oklahoma case which held that an appropriation of money for a named county to compensate it for the disestablishment of a state prison farm was not a special act, since it was for part of a state-wide penal organization.²⁵ Accordingly, failure to publish notice of the introduction of a special act, required by the constitution, was not fatal. At the other extreme, the Tennessee supreme court held unconstitutional a statute which required a plaintiff in a civil action in the Knox county general session court to deposit costs with the clerk, while in other county courts action may be instituted by giving bond for costs.²⁶ A special case involved the attack brought against a Florida statute creating a port authority to operate a ferry under a constitutional prohibition of special laws for the establishment of ferries. Here the court was able to show that the power given extended only to ferries established or to be established under general law, so that the act creating the port authority, while local and special, was not unconstitutional.²⁷

Closely associated with such provisions are constitutional prohibitions against the appropriation of state monies for gifts or special benefits. Again a "rule of reason" seems to be the guiding principle. Allocation by statute of a fixed share of the proceeds of a certain tax to a fireman's

tack had been introduced under the old constitution, which had no such requirement, and was passed after the constitution of 1945 went into operation. The chief justice dissented from the opinion. See also *State v. Nagel*, 28 N.W. (2nd) 665 (N.D., Aug., 1947), where the question was discussed collaterally.

²⁴ *Gebhart v. Hill*, 54 A. (2nd) 315 (Md., July, 1947). To the same effect, *Warner Bros. Pictures Inc. v. Brodel*, 179 P. (2nd) 57 (Cal. App., Mar., 1947). See also *People v. Howard*, 74 N.E. (2nd) 513 (Ill., May, 1947); *School Dist. v. Hodge*, 183 P. (2nd) 575 (Okla., July, 1947); *Caldwell v. Harris*, 204 S.W. (2nd) 1019 (Tenn., Oct., 1947).

²⁵ *Bd. of Commrs. v. Shaw*, 182 P. (2nd) 507 (Okla., June, 1947).

²⁶ *Kelley v. Byington*, 206 S.W. (2nd) 409 (Tenn., Nov., 1947).

²⁷ *State v. Fernandina Port Auth.*, 32 So. (2nd) 328 (Fla., Oct., 1947). The court indicates a willingness to ignore this limitation and question the decision in *Cantwell v. St. Petersburg Port Auth.*, 155 Fla. 651, 21 So. (2nd) 139 (1945), holding unconstitutional a statute delegating power to establish a ferry. Cf. *Cragar v. Thompson*, 205 S.W. (2nd) 180 (Ark., Nov., 1947), in which a strict standard against special acts is applied.

relief and pension fund is not invalid, because it is for a public purpose and is construed as compensation for services previously rendered.²⁸ The public purpose principle is used also in upholding an unemployment insurance fund,²⁹ and state aid for low-rent housing.³⁰ But such a prohibition can be used as a canon of interpretation. Thus a statute which provided that the lessee of state-owned, tax-deeded land could buy the land at assessed value, or the board of county commissioners could put it up for public sale, did not give such a lessee a vested right to purchase if the board wished to sell publicly, since such an interpretation might authorize a gift to the lessee.³¹

The multiplicity of constitutional limitations on the law-making power, both procedural and substantive, produces confusion that can usually be resolved only with judicial restraint. Thus in South Carolina the legislature attempted to amend the 1942 code with respect to a provision which had been repealed in 1945 and reenacted in similar but not identical language. The court upheld the statute in view of the clear legislative intent, and in spite of the fact that technically it was an amendment to a repealed statute and therefore void.³² Legislative intent was much less clear in an Oklahoma case. There the legislature passed a tax resale act changing the form of the tax deed and certain other provisions governing the transfer of tax-delinquent lands. The law was passed as emergency legislation, although the constitution forbade emergency legislation relating to purchase or sale of realty. The court proceeded to divide the statute into two parts: those provisions which could not go into operation at once under the constitutional prohibition, and those which could, to wit, changes in the form of the tax deed.³³

Cases attacking the sufficiency of statutory titles were, as usual, brought in large numbers under constitutional requirements that legislative acts concern but one subject and that this be clearly expressed in the title. The general rule is simply that the title must not mislead the reader as to the contents of the statute. Attacks, usually unsuccessful, take three

²⁸ *Wallace v. Childers*, 180 P. (2nd) 1005 (Okla., May, 1947).

²⁹ *Calif. Empl. Stab. Comm. v. Payne*, 187 P. (2nd) 702 (Cal., Dec., 1947).

³⁰ *In re Opinion of the Justices*, 53 A. (2nd) 194 (N.H., May, 1947). See also *Bloosky v. Redevel. Auth.*, 54A (2nd) 277 (Pa., July, 1947).

³¹ *State ex rel. Rich v. Garfield Co. et al.*, 188 P. (2nd) 1004 (Mont., Jan., 1948). The assessed valuation of the land involved was \$175. At public sale, it brought \$1,000. This seemed to convince the court that sale at the former figure would be a gift. Compare *Bd. of Commrs. v. Shaw*, 182 P. (2nd) 507 (Okla., June, 1947), where state sale of land free of delinquent taxes previously used by the state, and on which counties had claims for delinquent taxes, was held not to be a gift, even though the state appropriated \$20,000 to the county to compensate it for its loss.

³² *Taylor v. Marsh*, 43 S.E. (2nd) 606 (S.C., July, 1947).

³³ *Harris v. Dungan*, 185 P. (2nd) 949 (Okla., Oct., 1947).

forms: either the title is claimed insufficient because it is too general;³⁴ or it is detailed without being exhaustive;³⁵ or the title implies things not included in the body.³⁶ With respect to the subject, the law may constitutionally refer to several things, providing they are germane to one another. Thus an act is not invalid which provides for the repeal of a town charter and for a liquidating agent to wind up its affairs.³⁷ However, such constitutional provisions give the courts a convenient excuse for occasionally invalidating legislation of which they disapprove. In Minnesota, the supreme court held an act unconstitutional in part because the title referred to the establishment of a merit system and the statute included provisions for disciplinary action.³⁸ And in Kentucky an act "relating to cities" was found invalid because its contents included reference to the incorporation of unincorporated communities.³⁹

Unlike the federal government, state governments are rather closely limited by constitutional restrictions which are generally enforceable on the power to appropriate and spend money. Legislative attempts to provide for unforeseen contingencies and legislative errors must surmount many hurdles. One such attempt failed in Arkansas. The legislature failed to appropriate funds to pay the salaries of the director and other employees of the legislative council. When the state board of fiscal control attempted to allocate certain of its funds for this purpose, it was enjoined because its funds were appropriated only for emergencies.⁴⁰ Under similar provisions, it was held in Nebraska that legislative allocations of certain tax revenues to the State Assistance Fund did not establish a perpetual trust beyond the power of the legislature to recapture a part of the monies so allocated at a future date.⁴¹ Elsewhere it was held that an

³⁴ A title reference to "punishment" was held to cover a provision for forfeiture in *Haynes v. Sanford*, 206 S.W. (2nd) 796 (Tenn., Nov., 1947). See also *Mallard v. Texas St. Bd. of Exam.*, 203 S.W. (2nd) 778 (Tex. Civ. App., June, 1947); *Elliott v. Fuqua*, 204 S.W. (2nd) 1016 (Tenn., Oct., 1947); *State v. Knight*, 206 S.W. (2nd) 330 (Mo., Nov., 1947); *Rein v. Johnson*, 30 N.W. (2nd) 548 (Neb., Dec., 1947).

³⁵ See *School Dist. v. Hodge*, 183 P. (2nd) 575 (Okla., July, 1947), where the title was an almost complete index to the statute.

³⁶ Where the title referred to the sale of county obligations for the construction or alteration of county buildings, and the body of the act provided only for constructing school buildings and the purchase of land therefor, there was no deception, *Doyle v. King*, 44 S.E. (2nd) 608 (S.C., Oct., 1947). See also *Carter v. Life and Casualty Ins. Co.*, 29 So. (2nd) 716 (La. App., Mar., 1947).

³⁷ *Caldwell v. Harris*, 204 S.W. (2nd) 1019 (Tenn., Oct., 1947).

³⁸ *State ex rel. Finnegan v. Burt*, 29 N.W. (2nd) 655 (Minn., Nov., 1947).

³⁹ *Engle v. Bonnie*, 204 S.W. (2nd) 963 (Ky., May, 1947).

⁴⁰ *Director v. Mackrell*, 204 S.W. (2nd) 893 (Ark., Oct., 1947).

⁴¹ *Rein v. Johnson*, 30 N.W. (2nd) 548 (Neb., Dec., 1947). The constitution requires that appropriations unspent at the close of the fiscal quarter after the next legislative session revert to the general fund. The legislature here reallocated only a portion of such reverted funds.

appropriation could be constitutionally made in the form of a joint resolution signed by the governor.⁴²

Financial limitations on the power of the state to engage in public works and improvements were involved in only two principal decisions. It was held that a constitutional limit of such works to a total cost of ten million dollars was not applicable to harbor improvements to be financed by bonds. Further, since the bonds were to be repaid only from the revenues derived from the improvements, the project did not violate the constitutional prohibition of a state debt except to repel invasion or suppress insurrection.⁴³ The other decision concerned the establishment of a county public hospital. By a statute of 1946, one county was designated as a hospital district with the power to issue bonds to be repaid from property tax revenues. The issuance of bonds was made conditional on approval by the residents of the district at an election. The same legislature also proposed a constitutional amendment to legitimize its own statute. The amendment was approved in the November election and was confirmed by the legislature the following February. Meanwhile, the district was organized and held its election. In a taxpayer's suit, the court held that the original creation of the district was for a public purpose and therefore even then legitimate; that the district had not been delegated the power to tax, but only the ministerial task of fixing the amount needed to meet its obligations; that the district election was not premature, even though the constitutional amendment subsequently voted on referred to a vote "to be" held; that the omission from the statute that the members of the governing board shall be qualified electors is supplied by implication; and that the legislature may require the board members to be practicing physicians of the district, even though the general constitutional rule forbids the legislature to add to the qualifications of officers established therein.⁴⁴

Constitutional limitations on the salary rate of state officers were the subject of only one decision. A constitutional section limiting the salaries of all state officers except the governor to not more than \$5,000 was held not to apply to the faculty and administrative employees of the University of Kentucky, since the provision applies only to the regular executive, legislative, and judicial officers of the state and not to its employees.⁴⁵

2. *Separation of Powers.* The judicial power received relatively slight attention this year. The Michigan one-man grand jury system was still being subjected to attack. The court held again that to create a circuit

⁴² *Bd. of Commrs. v. Shaw*, 182 P. (2nd) 507 (Okla., June, 1947).

⁴³ *Opinion of the Justices*, 30 So. (2nd) 715 (Ala., May, 1947); *State ex rel. Arn v. State Comm.*, 181 P. (2nd) 532 (Kan., June, 1947).

⁴⁴ *McLure v. McElroy*, 44 S.E. (2nd) 101 (S.C., Sept., 1947).

⁴⁵ *Pardue v. Miller*, 206 S.W. (2nd) 75 (Ky., Nov., 1947). See also *Howard v. Saylor et al.*, 204 S.W. (2nd) 815 (Ky., Oct., 1947).

court judge as a one-man grand jury does not confer on him non-judicial duties, although the case merely required dismissal since it took the form of an appeal from the dismissal of a suit for injunction by one circuit court against the judge of another circuit court.⁴⁶ In Illinois, it was held that since the power to disbar attorneys is inherently judicial, the supreme court may appoint attorneys to investigate under its rules without usurping non-judicial power, and that such appointees are not state officers nor do they perform judicial functions, so that absence of an oath is not fatal to their proceedings.⁴⁷

The power to appeal and the form of review is a matter of legislative control in the absence of constitutional provisions. Yet the courts, while adhering to the rule, by reference to legislative intent, accomplish justice as they see it. Failure to give the guardian of an insane person the right of appeal from an action declaring the person restored to sanity was overcome by implication in one case.⁴⁸ Similarly, where the sole remedy is by appeal, and a writ of error is sought, the case may be treated as properly presented.⁴⁹ Yet the courts of two states expressly refused to act where justice and legislative intent were clear. In one, the court refused to prevent a husband from inheriting property of a wife whom he had murdered, since there was no express provision of law varying the rule of descent in such cases.⁵⁰ In the other, the court refused to authorize the escheat to the state of corporation property not required for carrying on its principal purpose.⁵¹ The court arrived at this result by holding, first, that the constitutional prohibition was not self-executing; second, that such land titles acquired in violation of the statute passed to carry it into

⁴⁶ *Kloka v. Brake*, 27 N.W. (2nd) 507 (Mich., May, 1947). For the previous decision, see *In re Slattery*, 310 Mich. 458, 17 N.W. (2nd) 251 (1944); cert. denied 325 U.S. 876, 65 S.C. 1553 (1944). See Glenn R. Winters, "The Michigan One-Man Grand Jury," *Jour. Amer. Jud. Soc.*, Vol. 28, p. 137 (1945).

⁴⁷ *In re Roth*, 75 N.E. (2nd) 278 (Ill., Sept., 1947. Rehearing denied Nov., 1947).

⁴⁸ *Cobb v. South Carolina Nat'l. Bank*, 43 S.E. (2nd) 465 (S.C., July, 1947). The North Carolina court decided the other way in *In re Sylvant*, 212 N.C. 343, 193 S.E. 422 (1937), and it took a statute to change the rule. See *In re Jeffress*, 223 N.C. 273, 25 S.E. (2nd) 845 (1943). In Indiana, the court held that its rule governing appeals was changed by a statute which required a \$50 deposit; that "appeal" could be construed to cover review of workmen's compensation decisions, *Square D. Co. v. O'Neal*, 72 N.E. (2nd) 654 (Ind., Apr., 1947). See also *In re Diaz*, 31 So. (2nd) 195 (La., May, 1947). See *contra*, *City of Hutchinson v. Wagoner*, 186 P. (2nd) 243 (Kan., Nov., 1947).

⁴⁹ *People v. Cornelius*, 74 N.E. (2nd) 900 (Ill. App., Sept., 1947). The writ of error was dismissed since the appeal was from an interlocutory, and not a final, ruling of the lower court.

⁵⁰ *Crumley v. Hall*, 43 S.E. (2nd) 646 (Ga., July, 1947).

⁵¹ *Texas Co. v. State ex rel. Coryell*, 180 P. (2nd) 631 (Okla., Feb., 1947. Rehearing denied, May, 1947). Compare *Levis v. N.Y. Life Ins. Co.*, 55A (2nd) 801 (Pa., Nov., 1947).

operation were voidable rather than void; and last, that the burden of proof was on the state rather than the corporation.

The leading case this year involving the separation of powers arose in West Virginia. There for some years the circuit courts have exercised the power to incorporate small towns and villages. Before 1901, the court was required to act favorably on the petition if all the requirements of the statute were met. In that year, the law was amended to give the courts discretion in the matter. By a uniform line of decisions, the supreme court held that this delegation of power "judicial and administrative, although in furtherance of the legislative department of the state government, is constitutional and valid."⁵² It was, however, held also that the function was not so judicial as to permit review of incorporation proceedings by writ of error or other appellate process.⁵³ The present controversy arose when objections were raised to the incorporation of a town by a circuit court on writ of error, alleging that this act was the performance of a legislative function by the judiciary in violation of the separation principle.⁵⁴ With reference to jurisdiction, the court decided that the rule on the use of writ of error has been relaxed with reference to administrative bodies and should be relaxed in this case by analogy.⁵⁵ On the merits, however, the court was confronted by a recent decision holding unconstitutional an act which gave an appeal to the courts from the decisions of a public service commission.⁵⁶ The court confessed that this decision and its reasoning were in sharp conflict with the decisions on the statute in question. But in view of the fact that property rights depend upon the validity of these incorporations, it decided to follow the old rule. Evidently there are now two interpretations of the separation of powers in this state: a strict one for administrative bodies, and a loose one for courts performing administrative functions.

Meanwhile, in Maryland it was decided that a statute which delegated to circuit courts the power to issue liquor licenses and to the court of appeals the power to review their action on appeal conferred a non-judicial power on the judiciary in violation of the separation principle.⁵⁷ Yet in Minnesota it was held that a statutory appeal to the district court from an order of a county board fixing the salary of a sheriff is not unconstitu-

⁵² *In re Town of Union Mines*, 39 W.Va. 179, 19 S.E. 398 (1894).

⁵³ *Elder v. Incorporators of Central City*, 40 W.Va. 222, S.E. 738 (1895). It was held in *State v. Warden*, 62 W.Va. 313, 58 S.E. 715 (1908), that the statutory change of 1901 did not alter the rule of these cases.

⁵⁴ *In re Proposal to Incorporate Town of Chesapeake*, 45 S.E. (2nd) 113 (W.Va., Oct., 1947).

⁵⁵ *Citing West v. West Va. Fair Assoc.*, 97 W.Va. 10, 125 S.E. 353 (1924).

⁵⁶ *Hodges v. Public Service Commission*, 110 W.Va. 649, 159 S.E. 834 (1931).

⁵⁷ *Cromwell v. Jackson*, 52A (2nd) 79 (Md. App., Mar. 1947). Two justices dissented.

tional as conferring legislative functions on the judiciary.⁵⁸ Nor were legislative or non-judicial powers improperly delegated to the judiciary by statutes giving the probate courts jurisdiction to adjudge poor persons insane,⁵⁹ or criminal courts the power to fix minimum and maximum sentences.⁶⁰

A statute making unlawful the commission of any act under color of authority as an officer of the state or of the United States when the act is not authorized by law was held to be so vague as to delegate legislative powers to the judiciary.⁶¹ Finally, a statute requiring a court to grant a continuance when one of the attorneys has filed an affidavit that he is a member of the state legislature then in session and requiring his presence was interpreted to leave to the court the power to determine the facts attested to avoid the charge of unconstitutional legislative interference with the judiciary.⁶²

The legislative branch and its powers was the subject of several important decisions. One of these concerned the validity of legislative records. The statute involved was passed in due form by the legislature and, according to an entry in the house journal, was transmitted to the governor on March 5. Under the constitution, he had five days in which to act, unless within that time the legislature adjourned, in which case he had 20 days. The governor vetoed the bill on March 28. A subsequent legislative investigation showed that the bill was delivered to the governor on March 10, and adjournment took place on the 13th. The court held that since the constitution did not require the entry to be kept, the court could go behind the journal and take as conclusive the receipt given by the governor's office to the legislative agent upon delivery of the bill.⁶³ In another case, the court held that the establishment of a legislative council or interim committee made up of members of the legislature who were to be paid expenses did not violate constitutional provisions forbidding employment of a legislator in an office created during his legislative tenure.⁶⁴ In Nebraska, the legislature raised the salaries of the governor and the members of the supreme court. The proper state officers requested a declaratory judgment on the question of when the increase was to go into effect, in view of constitutional prohibitions against increasing salaries of state officers during their incumbency. The court held that the increases became effective at once under a special constitutional

⁵⁸ Cahill v. Beltrami County, 29 N.W. (2nd) 444 (Minn., Oct., 1947).

⁵⁹ State *ex rel.* Kowats v. Arnold, 204 S.W. (2nd) 254 (Mo., June, 1947).

⁶⁰ People v. Reid, 72 N.E. (2nd) 812 (Ill., Mar., 1947).

⁶¹ Locklin v. Pridgeon, 30 So. (2nd) 102 (Fla., Apr., 1947).

⁶² Kyger v. Koesper, 207 S.W. (2nd) 46 (Mo., Nov., 1947).

⁶³ Whaley v. Ind. Co., 205 S.W. (2nd) 861 (Ark., Nov., 1947).

⁶⁴ State *ex rel.* Hamblen v. Yelle, 185 P. (2nd) 723 (Wash., Oct., 1947).

provision which fixed the salaries of these officers "until otherwise provided by law," since no such provision had ever been made.⁶⁵

An Urban Redevelopment Authority was upheld against a blanket attack which included the charge that the statute creating it lacked sufficient standards and therefore delegated legislative power.⁶⁶ The statute was held to delegate merely the power to carry out the policy enunciated in the statute. Attacks on legislation delegating power to various bodies were considered in three other cases. In one it was held that the legislature could pass an income tax statute, the terms of which were made dependent on the outcome of a referendum on a sales tax law.⁶⁷ In another, the court found that delegation of power to a housing board to enter into contracts with local housing bodies was not the delegation of legislative power, since such action is required to be predicated on findings of fact beyond the competency of the legislature.⁶⁸ But an act delegating power to county commissioners to vary speed limits for automobiles from those fixed by state law was declared unconstitutional as a delegation of legislative power.⁶⁹

With relation to the executive department, it was held that the establishment of a disabled ex-servicemen's board by a statute which required the governor to appoint the members of the board from a list of names submitted by the local American Legion did not unreasonably restrict the executive power of appointment, even though the board had only executive duties;⁷⁰ yet appointment, demotion, and dismissal are termed executive acts.⁷¹ And elsewhere the appointment of legislative representatives from the district to a governing board for a local public improvement was held unconstitutional, both because the duties of the board were executive and therefore incompatible with legislative duties, and because the board was created by the legislature in which they served.⁷²

⁶⁵ State *ex rel.* Johnson v. Marsh, 29 N.W. (2nd) 799 (Neb., Dec., 1947).

⁶⁶ Belovsky v. Redevel. Auth., 54A. (2nd) 277 (Pa., July, 1947).

⁶⁷ Marr v. Fisher, 187 P. (2nd) 966 (Ore., Dec., 1947).

⁶⁸ Long v. State, 42 S.E. (2nd) 729 (Ga., May, 1947).

⁶⁹ *In re* Opinion of the Justices, 53A (2nd) 194 (Mass., May, 1947).

⁷⁰ Elrod v. Willis, 203 S.W. (2nd) 18 (Ky., June, 1947).

⁷¹ McCartin v. School Comm., 76 N.E. (2nd) 645 (Mass., Jan., 1948). This case held that the referendum did not apply to a resolution demoting certain school officers, since the resolution was an executive, not a legislative, act. Compare Guy v. Nelson, 44 S.E. (2nd) 775 (Ga., Oct., 1947), holding unconstitutional a statute governing removal of certain officers because it failed to provide for notice and hearing. Not so with respect to local government, however, Buttz v. Co. Ct., 72 N.E. (2nd) 225 (Ind., Apr., 1947).

⁷² Ashmore v. Greater Greenville Sewer Dist., 44 S.E. (2nd) 88 (S.C., Aug., 1947). Unconstitutionality was also based in part on the fact that inclusion on the board of officers of the local service clubs violated the equal protection clause of the constitution. Bonds issued by the district were held to be valid obligations, however,

In Alabama, it was held that the governor could not appoint a legislative interim committee to advise him on needed legislation, unless authorized by statute, without performing legislative functions.⁷³ It was similarly declared elsewhere that the governor lacked the legislative authority to issue rules authorizing the courts in their discretion to stay judgments in eviction proceedings for more than the four months provided by law.⁷⁴

The work of a civil service commission is not so executive in nature as to prevent its creation by a statute not assented to by the two-thirds vote of the legislature required for the creation of a new executive office, department, or agency.⁷⁵ The criterion of executive power used was the law enforcement power. Where an officer enforces the law against the general public, he performs an executive function; where he acts only with relation to government employees, the function is not executive, although it is not otherwise characterized.

In California, a somewhat unique case involving executive officers arose. The law prohibits punishment of a person under sentence who is found by a court to be insane. Upon conviction and delivery to the warden, the latter may suspend sentence pending determination of the convict's sanity by a superior court. But if the convict recovers his reason, the superintendent of the state hospital so informs the governor, who then is required to fix a day for the execution of the sentence without further judicial procedure. It was held that even if the superintendent's power is judicial, it may be constitutionally exercised under the provisions authorizing the legislature to provide a prison system and empower its agents as it sees fit.⁷⁶

3. *Administrative Officers and Powers.* Once again the theory of the separation of powers is used in a substantial number of cases as a point of attack against the creation or functions of administrative bodies. This year, the courts upheld against such attacks statutes which established a wage board to fix minimum wages,⁷⁷ a board to license and regulate the taxicab business,⁷⁸ a board of veterinarians to license qualified grad-

since their issuance had been confirmed by the legislature. See also *Fraysure et al. v. Ky. Unemp. Comm.*, 202 S.W. (2d) 377 (Ky., May, 1947).

⁷³ *In re Opinion of the Justices*, 32 So. (2d) 539 (Ala., Nov., 1947).

⁷⁴ *Opinion of the Justices*, 75 N.E. (2d) 234 (Mass., Oct., 1947).

⁷⁵ *Sommerville v. Johnson*, 30 N.W. (2d) 577 (Neb., Jan., 1948). See *Ex parte Pitt*, 206 S.W. (2d) 596 (Tex. Cr. App., Dec., 1947), where the power to issue and enforce conditional pardons was upheld likewise without characterizing the function.

⁷⁶ *Ex parte Phyle*, 186 P. (2d) 134 (Cal., Nov., 1947). Two justices dissented. See *contra, Ex parte Romero*, 181 P. (2d) 811 (N.M., June, 1947).

⁷⁷ *Young v. Willis*, 203 S.W. (2d) 5 (Ky., June, 1947); *Strain v. Southerton et al.*, 74 N.E. (2d) 69 (Ohio, June, 1947).

⁷⁸ *Large v. City of Elizabethton*, 203 S.W. (2d) 907 (Tenn., July, 1947).

uates of schools recognized by the American Veterinary Medical Association,⁷⁹ a board to issue liquor licenses,⁸⁰ and a state board of water engineers to authorize changes in the use of appropriated waters of the state.⁸¹ Although no act was invalidated on the ground that it improperly delegated legislative or judicial powers, the separation principle was used to invalidate administrative action as *ultra vires* in several cases. In one, the court held that a legislative act authorizing a zoning board of adjustment to grant or deny exceptions to the zoning ordinances was constitutional only if it was interpreted to prevent the board from permitting a theatre parking lot to operate in a residential zone.⁸² The same result was reached in a similar case with respect to an order denying petitioners' request to erect outdoor billboards in a residential district.⁸³ On the other hand, the rule-making power of administrative bodies was upheld against the charge that it constituted the power to legislate also with respect to rules of the Ohio Utilities Commission designed to maintain standards of railroad employee safety and welfare.⁸⁴

A special situation involving administrative rules arose in Missouri. The court there upheld an order of a police commission forbidding policemen to become members of labor unions.⁸⁵ Such a rule was held, under circumstances of labor methods of which the court took judicial notice, not to be unreasonable. On the same day, the same court held that statutes delegating to municipalities power to fix conditions of employment for their employees could not be construed to authorize collective bargaining agreements between a city and its employees without violating the separation principle.⁸⁶ For, it was said, that principle applied to municipal governments which could not abdicate their legislative

⁷⁹ *Permenter v. Younan*, 31 So. (2nd) 387 (Fla., July, 1947). The court implied that the standards of the law were adequate only because the business involved was a privilege and not a right.

⁸⁰ *Allen v. St. Bd. of Veterinarians*, 52A. (2nd) 131 (R.I., Mar., 1947).

⁸¹ *Clark v. Briscoe Irr. Co.*, 200 S.W. (2nd) 674 (Tex. Civ. App., Feb., 1947. Rehearing denied, Mar., 1947). Problems of water use were also considered under special constitutional provisions in state *ex rel. St. Game Comm. v. Red River Valley Co.*, 182 P. (2nd) 421 (N.M., Sept., 1945. Rehearing denied Mar., 1946, and June, 1947); *City of Pasadena v. City of Alhambra*, 180 P. (2nd) 699 (Cal. App., May, 1947).

⁸² *Texas Cons. Theatres, Inc., v. Pettillo et al.*, 204 S.W. (2nd) 396 (Tex. Civ. App., June, 1947. Rehearing denied Sept., 1947).

⁸³ *United Adv. Corp. v. Bd. of Adj.*, 56A (2nd) 406 (N.J., Dec., 1947). In this case, the order was issued under a provision of the law which was declared invalid as bearing no relation to the purpose of zoning. To the same general effect was *Bernstein v. Smutz*, 188 P. (2nd) 48 (Cal. App., Dec., 1947). See *contra*, *Commonwealth v. Slome*, 75 N.E. (2nd) 517 (Mass., Nov., 1947).

⁸⁴ *Akron & B.L.R. Co. v. Pub. Util. Comm.*, 74 N.E. (2nd) 256 (Ohio, July, 1947).

⁸⁵ *King v. Priest*, 206 S.W. (2nd) 547 (Mo., Nov., 1947).

⁸⁶ *City of Springfield v. Clouse*, 206 S.W. (2nd) 539 (Mo., Nov., 1947).

responsibilities.⁸⁷ Under the latter reasoning, it is difficult to see how a board rule could be upheld.

A special case arose in Oklahoma where the corporation commission is established in the constitution and endowed with executive, legislative, and judicial power. Here an order regulating airlines was held to be invalid even though authorized by statute, since the constitution authorized only regulation of transportation companies without specifically including airlines.⁸⁸ Contrariwise, where a commission is established in the constitution, its rules prevail over contradictory statutes.⁸⁹ In another unique case, it was held that a statute authorizing the licensing of photographers did not give the licensing board power by implication to enforce the law either by instituting criminal action or by seeking to enjoin practice without a license.⁹⁰

In only three other cases was such a challenge successful. In one, the court held that an order of a local board of health forbidding the feeding of garbage to animals was invalid to the extent that it permitted the health commissioner to grant special exceptions.⁹¹ Here, however, the conclusion was based on the court's conviction that the business of collecting and disposing of garbage was not in itself a nuisance and could be regulated, although the opinion urged the absence of standards in the order to guide the commissioner's discretion as the basis of the decision. In the other case, the statute involved authorized county school reorganization committees to regulate the establishment of school districts. Since the constitution imposed the obligation of providing a uniform system of schools on the legislature specifically, and since the committees were of statutory origin only, such delegation was an illegal grant of legislative power.⁹² In the last case, it was held that a statute prohibiting the manufacture and sale of adulterated foods could not be interpreted to authorize a health officer to issue an order forbidding the adulteration of soda water with saccharin.⁹³

As a canon of interpretation, it was held that to imply a power in a

⁸⁷ Compare *Dierup v. Louisville, etc. Bd.*, 200 S.W. (2nd) 300 (Ky., Mar., 1947), holding that the separation principle does not apply to local government.

⁸⁸ *Application of Central Airlines, Inc.*, 185 P. (2nd) 919 (Okla., Oct., 1947); followed in *Application of Spartan Airlines*, 185 P. (2nd) 925 (Okla., Oct., 1947).

⁸⁹ *State ex rel. Griffin v. Sullivan*, 30 So. (2nd) 919 (Fla., May, 1947).

⁹⁰ *Montana St. Bd. of Exam. v. Keller*, 185 P. (2nd) 503 (Mont., Oct., 1947). See *contra Pa. Pub. Util. Comm. v. Israel et al.*, 52A (2nd) 317 (Pa., Mar., 1947).

⁹¹ *Weber v. Bd. of Health*, 74 N.E. (2nd) 331 (Ohio, Aug., 1947).

⁹² *State v. Hines*, 182 P. (2nd) 865 (Kan., June, 1947). The court distinguished this case from *State ex rel. Rosensthal v. Storey*, 144 Kan. 311, 58 P. (2nd) 1051 (1937), a case approving the grant of legislative power to the school superintendent, since the latter office is established by the constitution, which also authorizes the legislature to add to its duties by statute.

⁹³ *Margolin v. State*, 205 S.W. (2nd) 775 (Tex. Cr. App., Oct., 1947).

utilities commission to direct a respondent to renew a lease for the use of property not needed by the carrier would violate due process of law.⁹⁴ And elsewhere it was held that a licensing board could be enjoined from threatening to prosecute cosmetologists who operated without barber's licenses which the court said they were not required to have.⁹⁵

Administrative procedure received frequent and widespread notice this year. On the whole, the trend seems to be in the direction of approving administrative variations of judicial procedure. A board of adjustment was held to have power under the law and its own rules to make an award in a case where the award was previously denied.⁹⁶ A beer-licensing body was held to have a reasonable power implied to issue procedural rules governing the method and form for submitting petitions.⁹⁷ However, an administrative body may be bound by its own rules of procedure, even to the point where they cannot be changed. Where the rule determines the method of computing penalties under a franchise tax law, and the statute under which the interpretive rules were issued is reenacted without change, the rule becomes in effect a part of the statute itself.⁹⁸ Evidently as procedural matters approach or affect substantial rights, administrative discretion tends to disappear. So a rule of a workmen's compensation commission fixing a conclusive presumption that the loss of a part of a finger meant the loss of use of the entire finger was beyond its power.⁹⁹ The court held that the rule-making power given the commission was limited only to procedural matters by the separation principle, and that the true burden of proof in this case must remain on the claimant. So also with respect to an administrative order providing for various types of veterinarian licenses. It was held that since the statute provided only for licensing qualified veterinarians, the board could not issue one kind of license to a graduate of a school recognized by the U. S. Bureau of Animal Husbandry, and another to graduates of schools not so recognized.¹⁰⁰ Yet a corporation commission was found to have power to authorize rate

⁹⁴ *Bohn Lumber Prod. Co. v. Mich. Pub. Serv. Comm.*, 26 N.W. (2nd) 875 (Mich., Apr., 1947).

⁹⁵ *Jeffs v. Bd. of Exam.*, 30 N.W. (2nd) 445 (Mich., Jan., 1948).

⁹⁶ *State ex rel. Carmichael v. St. Bd.*, 32 So. (2nd) 216 (Ala., Oct., 1947). After denial, the petitioners secured a judgment in a personal action against the state officers which evidently persuaded the board of its error.

⁹⁷ *Gattinburg Beer Req. Comm. v. Og'e*, 206 S.W. (2nd) 891 (Tenn., Nov., 1947. Rehearing denied Jan. 16, 1948).

⁹⁸ *Gulf Union Oil Co. v. Isbell et al.*, 205 S.W. (2nd) 105 (Tex. Civ. App., Oct., 1947).

⁹⁹ *Southern Co-op Foundry Co. v. Drummond*, 45 S.E. (2nd) 687 (Ga. App., Dec., 1947). See also *Allen v. Martin Co.*, 52A (2nd) 605 (Md. App., 1947).

¹⁰⁰ *Robertson v. Schein*, 204 S.W. (2nd) 954 (Ky., Oct., 1947). Compare *Allen v. St. Bd. of Vet.*, cited note 85 above.

changes going into effect within the normal 30-day period following filing of notice of proposed change with the commission.¹⁰¹

The right to notice may be waived by actual appearance,¹⁰² and where personal notice is given, statutory notice by publication becomes directive rather than mandatory.¹⁰³ With respect to evidence included in the record, it was held that where the record showed constant reference to the fact that petitioner had published notice of a proposed rate increase, and no question was raised at the time, no error was involved in admitting exhibits to prove such notice into the record after the hearing was closed.¹⁰⁴ An administrative body denies proper notice to a party when its determination is based on facts gathered in another proceeding, no matter how closely it may parallel the existing one.¹⁰⁵ Although a statute which provides for notice and an opportunity to be heard only after a final order is invalid as concerns the removal of an elected constitutional officer,¹⁰⁶ so long as the full hearing precedes the final order or decree, the constitutional right to a hearing does not prevent a court from appointing an administrative body as a referee to prepare a recommendation, nor such a referee from excluding all or part of the evidence presented by the parties.¹⁰⁷ But the hearing must be on issues known to the parties. Thus when the law requires publication of a plan of school district organization and provides for an appeal to the superintendent, the latter officer may not so modify the proposed plan in affirming it as to promulgate what is in effect an entirely new plan.¹⁰⁸ Nor does a statute giving a utilities commission power to rescind or alter certificates of convenience and necessity authorize recission without a full and complete hearing under the claim that the certificate is merely being modified.¹⁰⁹

¹⁰¹ Bd. of Sup. v. Comm. *ex rel* C. & P. Tel. Co., 45 S.E. (2nd) 145 (Va., Nov., 1947).

¹⁰² Black Hawk Motor Trans. Co. v. Ill. Comm. Comm., 76 N.E. (2nd) 478 (Ill., Nov., 1947. Rehearing denied Jan. 15, 1948).

¹⁰³ State *ex rel* Lindell Tower Apt. Inc. v. Guise, 206 S.W. (2nd) 320 (Mo., Dec., 1947).

¹⁰⁴ Bd. of Sup. v. Com. *ex rel* C. & P. Tel. Co., 45 S.E. (2nd) 145 (Va., Nov., 1947).

¹⁰⁵ State *ex rel* Wright v. Morrison, 75 N.E. (2nd) 106 (Ohio App., Feb., 1947); Ventresca v. Exley, 56A (2nd) 210 (Pa., Jan., 1948).

¹⁰⁶ Guy v. Nelson, 44 S.E. (2nd) 775 (Ga., Oct., 1947). Compare Baxter v. Land Const. Co., 206 S.W. (2nd) 325 (Mo., Dec., 1947), where the order which was not final could precede the hearing. And the administrative decision may be made final prior to judicial review if a hearing has been given. State *ex rel* Aikens v. Davis, 45 S.E. (2nd) 486 (W.Va., Nov., 1947); Baldwin v. City of Lawton, 185 P. (2nd) 699 (Okla., Apr., 1947).

¹⁰⁷ City of Pasadena v. City of Alhambra, 180 P. (2nd) 699 (Cal. App., May, 1947).

¹⁰⁸ Smith v. Ray, 72 N.E. (2nd) 921 (Ohio App., Apr., 1947).

¹⁰⁹ Black Hawk Motor Trans. Co. v. Ill. Comm. Comm., 76 N.E. (2nd) 478 (Ill., Nov., 1947. Modified on denial of rehearing, Jan., 1948).

Where some procedural error has been committed by the administrative body, the court is not authorized to complete the administrative act, but must remand the case,¹¹⁰ unless all parties waive the privilege—in which case the court may assume the administrative function and complete the hearing.¹¹¹ But when the statute does not require an administrative record, the reviewing court must presume the existence of supporting evidence.¹¹²

The normal rule requiring the exhaustion of administrative remedies before resort to the courts was ignored in one important case. The court held that the judiciary had authority to direct the issuance of a license on the basis of evidence before it which was not before the administrative licensing body, since, the court was convinced, if the new evidence had been before the latter agency, it would not have produced affirmative action there.¹¹³

The form for securing judicial review was discussed in several cases. In one involving the use of the writ of habeas corpus, it was held that this remedy lay to test the validity of an order committing a party for contempt of an administrative tribunal, since the statutory review provided applied only to the substantive decisions of the commission.¹¹⁴ Another case concerned review by certiorari. There it was held that such review must be limited to questions of jurisdiction and regularity of proceedings, since the statute expressly forbids appeal.¹¹⁵ Presumably, in the absence of such a prohibition, review could include reference to the merits. In another case, mandamus was found available to compel a fiscal court to fix salaries of local officers, but not to compel any particular salary rate.¹¹⁶

The scope of judicial review of administrative action is always a difficult problem. It is particularly so under some of the new uniform administrative procedure and review acts and constitutional provisions appearing in recent years in various states. In Missouri, for example, the constitution directs the court to review the questions of, first, whether

¹¹⁰ *State ex rel Wright v. Morrison*, 75 N.E. (2nd) 106 (Ohio App., Feb., 1947); *Ft. Howard Paper Co. v. San. Dist.*, 26 N.W. (2nd) 661 (Mo., Apr., 1947).

¹¹¹ *Langer v. State*, 28 N.W. (2nd) 523 (N.D., May, 1947). Compare *Skyline Swannada Inc. v. Nelson Co.*, 44 S.E. (2nd) 437 (Va., Oct., 1947), where the court reassessed property improperly assessed by the county board, although no waiver existed.

¹¹² *Ft. Howard Paper Co. v. San. Dist.*, 26 N.W. (2nd) 661 (Wis., Apr., 1947).

¹¹³ *Peterson v. Livestock Comm.*, 181 P. (2nd) 152 (Mont., May, 1947).

¹¹⁴ *Loustalot v. Sup. Ct.*, 186 P. (2nd) 673 (Cal., Nov., 1947).

¹¹⁵ *Metcalf v. Howard*, 201 S.W. (2nd) 197 (Ky., March, 1947). Compare *Him Pay Lim v. Duncan*, 181 P. (2nd) 357 (Ariz., June, 1947); *Ex parte Krasner*, 32 So. (2nd) 678 (Ala., Nov., 1947).

¹¹⁶ *Kaufman Const. Co. v. Holcomb*, 55A (2nd) 534 (Pa., Nov. 1947). The tribunal involved was one for arbitrating claims against the state, and thus involved no rights. Compare *Rosenbaum v. Ind. Comm.*, 185 P. (2nd) 511 (Utah, Oct., 1947).

the order is supported by substantial evidence and, second, whether it could have been arrived at reasonably on the basis of the entire record. The usual rule is limited only to the first standard.¹¹⁷ Under the new rule, the court finds no difficulty in imposing on workmen's compensation commissions common law rules concerning *res gestae*, hearsay, etc., and reconsidering the evidence in detail.¹¹⁸ Jurisdictional questions, however, are always open for judicial redetermination. Such questions include: whether a commission may fix rates for a single community in the light of evidence of the entire operations of the utility in the state;¹¹⁹ the question of whether an employee injured on his way home from making a sale by violating employee rules was injured in the course of his employment;¹²⁰ whether employees of a subcontractor were employees of the employer who let the original contract for purposes of workmen's compensation;¹²¹ whether unemployment benefits can be paid employees who remain unemployed after a partial resumption of work and termination of a strike;¹²² and whether a widow committed to a state hospital was a dependent within the workmen's compensation act.¹²³

4. *Local Government.* Contrary to last year's tendency to uphold local laws passed by the state legislature against the state constitutional requirement of general acts whenever possible, a number of such special laws were declared invalid this year. Three acts applying only to one county of the respective states—two of them technically based on a population classification and only one specifically naming the county—were declared invalid in direct contravention of last year's pronouncements upholding such classifications.¹²⁴ An act which by express terms does not apply to five named counties¹²⁵ and a law making special provisions for towns operating fire-fighting equipment before the passage of such act¹²⁶ were also declared unconstitutional.

¹¹⁷ *Railroad Comm. v. Shell Oil Co., Inc.*, 206 S.W. (2nd) 235 (Tex., Nov., 1947); *Carnegie-Ill. Steel Co. v. Rev. Bd.*, 72 N.E. (2nd) 662 (Ind. App., May, 1947); *City of San Diego v. St. Bd.*, 186 P. (2nd) 166 (Cal. App., Nov., 1947).

¹¹⁸ *Goetz v. Carson Co.*, 206 S.W. (2nd) 530 (Mo., Dec., 1947); *Moore v. Int. Shoe Co.*, 205 S.W. (2nd) 930 (Mo. App., Nov., 1947); *Laforge v. Cogлизer Tent & Awn. Co.*, 205 S.W. (2nd) 957 (Mo. App., Nov., 1947).

¹¹⁹ *Bd. of Sup. v. Comm. ex rel C. & P. Tel. Co.*, 45 S.E. (2nd) 145 (Va., Nov., 1947).

¹²⁰ *Brown v. Weber Imp. & Auto Co.*, 206 S.W. (2nd) 350 (Mo., Nov., 1947).

¹²¹ *Rosenbaum v. Ind. Comm.*, 185 P. (2nd) 511 (Utah, Oct., 1947).

¹²² *Carnegie-Ill. Steel Co. v. Rev. Bd.*, 72 N.E. (2nd) 662 (Ind. App., May, 1947).

¹²³ *Gebbs Gas Engine Co. v. Jackson*, 31 So. (2nd) 51 (Fla., June, 1947).

¹²⁴ *Wehrman v. Steltenkamp*, 200 S.W. (2nd) 949 (Ky., Mar., 1947); *Christian v. Moreland*, 45 S.E. (2nd) 201 (Ga., Nov., 1947); *Bandy v. State*, 204 S.W. (2nd) 819 (Tenn., Oct., 1947). But compare *Sherwood*, *op. cit.*, p. 721.

¹²⁵ *Davis v. Bd. of Education of Coffee County*, 45 S.E. (2nd) 429 (Ga., Nov., 1947).

¹²⁶ *Hayes v. Taxpayers Research Ass'n.*, 72 N.E. (2nd) 658 (Ind., Apr., 1947).

On the other hand, an act applying only to one city,¹²⁷ an act applying only to counties having in excess of a certain number of inhabitants,¹²⁸ a school district resolution taxing coal mined by the stripping method when there is only one such mine in the district,¹²⁹ and statutes providing for a manager form of government for towns and cities,¹³⁰ were upheld as not violative of this constitutional prohibition. The extension of boundaries of cities and towns¹³¹ and a law dealing with procedural aspects of a divorce action¹³² were held to be exceptions to the prohibition against local or special legislation.

Legislative appropriation of county "surplus" funds is not required in South Carolina; if the money in question rightfully belongs to a private person, it may be recovered on mandamus.¹³³ A debt of a municipality, if valid when created, cannot be invalidated by subsequent illegal expenditures.¹³⁴ In North Carolina, the county board of commissioners, rather than the county board of education, has the duty of determining the expenditures to be made for school buildings, and has exclusive control of the school sinking fund surplus.¹³⁵ Similarly, the board of supervisors may administer trust property to be used for the purpose of education; but it may not sell such property at a grossly inadequate price.¹³⁶ Neither cities nor counties have a vested interest in gratuity moneys from the state highway revenues, and the legislature may distribute such money as it pleases.¹³⁷

Municipal corporations possess no inherent power of taxation; such power stems from statutes or the state constitution.¹³⁸ State, county, and district taxes must be expended for state, county, or district purposes, and cannot be used for purposes of another unit, except in the distribution to counties of taxes on pari-mutual pools,¹³⁹ or where one unit is a part of

¹²⁷ *Settle v. Jones*, 206 S.W. (2nd) 59 (Ky., Nov., 1947).

¹²⁸ *Nichols v. Pirkle*, 43 S.E. (2nd) 306 (Ga., June, 1947).

¹²⁹ *English v. School Dist. of Robinson Twp.*, 55A. (2nd) 803 (Pa., Nov., 1947).

¹³⁰ *State ex rel. Keefe v. McInerney*, 182 P. (2nd) 28 (Wyo., June, 1947).

¹³¹ *In re Opinion of the Justices*, 31 So. (2nd) 309 (Ala., June, 1947).

¹³² *Hunt v. Cook County*, 76 N.E. (2nd) 48 (Ill., Nov., 1947). See also *Nashville Electric Service v. Luna*, 204 S.W. (2nd) 529 (Tenn., Oct., 1947) and *Herman v. Mayor*, 55A. (2nd) 491 (Md., Nov., 1947), on conflict between local and general laws.

¹³³ *Foster v. Taylor*, 42 S.E. (2nd) 531 (S.C., Apr., 1947).

¹³⁴ *City of Winchester v. Winchester Bank*, 205 S.W. (2nd) 997 (Ky., Oct., 1947).

¹³⁵ *Johnson v. Marrow*, 44 S.E. (2nd) 468 (N.C., Oct., 1947).

¹³⁶ *Koonce v. Bd. of Sup.*, 32 So. (2nd) 264 (Miss., Oct., 1947).

¹³⁷ *Clayton v. City of Little Rock*, 204 S.W. (2nd) 145 (Ark., June, 1947).

¹³⁸ *Certain Lots v. Town of Monticello*, 31 So. (2nd) 905 (Fla., July, 1947, on rehearing); *First Nat'l. Bank of St. Joseph v. Buchanan County*, 205 S.W. (2nd) 726 (Mo., Nov., 1947).

¹³⁹ *Prescott v. Bd. of Public Instruction of Hardee County*, 32 So. (2nd) 731 (Fla., Nov., 1947).

another unit to such an extent that they can be said to constitute a single unit.¹⁴⁰ Taxes can be levied only for "public purposes," and the acquisition or construction of a hotel by a town is not a "public purpose,"¹⁴¹ while the construction of a public auditorium or the purchase or construction of public utilities is such.¹⁴²

The constitutional limit on borrowing by municipalities cannot be circumvented by the creation of a new taxing district for some special purpose within the old district,¹⁴³ but the limit may be extended under temporary emergency conditions if the legislature so authorizes.¹⁴⁴ Bonds may be issued by a municipality without an approving vote of the population where there is no pledging of the taxing power for the repayment of the bonds.¹⁴⁵ However, if the people so decide by a vote, a tax may be levied to pay for bonds issued for a corporate purpose.¹⁴⁶ Bonds bearing a fixed rate of interest for a definite term, and containing no provision for redemption before maturity, may not be refunded by the issuance of bonds bearing lower interest.¹⁴⁷

The legislature may extend or limit the boundaries of school districts, consolidate two or more districts, abolish them, or create new ones.¹⁴⁸ The legislature may not, however, designate the whole state itself as a school district in order to divert appropriations for the maintenance of other state institutions to such districts.¹⁴⁹ School districts are public corporations endowed with governmental power to perform the public duties of providing public schools, and the legislature may prescribe the manner of their government.¹⁵⁰ Nevertheless, a city may collect certain inspection fees for inspection of equipment from the school district.¹⁵¹

An elective officer of a municipality may retain his office although he was convicted of an offense which is a felony under federal law, but only a

¹⁴⁰ *People ex rel. Schlaeger v. Jarmuth*, 75 N.E. (2nd) 367 (Ill., Sept., 1947).

¹⁴¹ *Nash v. Town of Tarboro*, 42 S.E. (2nd) 209 (N. C., Apr., 1947); see also *Tamiami Trail Tours v. City of Tampa*, 31 So. (2nd) 468 (Fla., July, 1947).

¹⁴² *Cothran v. Mallory*, 45 S.E. (2nd) 599 (S.C., Dec., 1947); *Sharp v. Hall*, 181 P. (2nd) 972 (Okla., June, 1947).

¹⁴³ *Cerajewski v. McVey*, 72 N.E. (2nd) 650 (Ind., Apr., 1947).

¹⁴⁴ *Opinion of the Justices*, 52A. (2nd) 297 (N. H., Mar., 1947).

¹⁴⁵ *Zinnen v. City of Fort Lauderdale*, 32 So. (2nd) 162 (Fla., Oct., 1947).

¹⁴⁶ *People v. Chicago & N.W. Ry. Co.*, 74 N.E. (2nd) 510 (Ill., May, 1947).

¹⁴⁷ *Martin v. Mayor*, 32 So. (2nd) 711 (La., July, 1947).

¹⁴⁸ *State ex rel. Miller v. Common School Dist.*, 185 P. (2nd) 677 (Kan., Oct., 1947); *Opinion of the Justices*, 32 So. (2nd) 303 (Ala., Sept., 1947); *State ex rel. Heppe v. Zilafro*, 206 S.W. (2nd) 496 (Mo., Dec., 1947). See *Independent Consol. School Dist. v. Bowen*, 183 P. (2nd) 251 (Okla., July, 1947), on liability of annexing district.

¹⁴⁹ *Bd. of Ed. v. Elliot*, 29 N.W. (2nd) 902 (Mich., Dec., 1947).

¹⁵⁰ *Muehring v. School Dist.*, 28 N.W. (2nd) 655 (Minn., July, 1947).

¹⁵¹ *Kansas City v. School Dist.*, 201 S.W. (2nd) 930 (Mo., Apr., 1947).

misdeemeanor under state law.¹⁵² Where a vacancy occurs for an elective office and the county board of elections fails to print ballots designating this office at the general elections, the voters may write in a candidate; if he obtains a certificate of election from the election board, he can fill the vacant office.¹⁵³ No person may serve as a state officer and a municipal employee simultaneously.¹⁵⁴ An officer of a municipality does not have a vested right in the manner in which his duties shall be performed, and the state may change these.¹⁵⁵ On the other hand, certain duties, conferred by common law and then embodied in the state constitution—such as the sheriff's duties as custodian of the court house and county criminal court building—cannot be taken away by statute.¹⁵⁶

The legislature may delegate certain of its prerogatives, particularly those of a local regulatory nature, to the municipalities;¹⁵⁷ zoning falls into this category. Most of the challenged zoning ordinances were upheld as being reasonable,¹⁵⁸ but an amendment to a long-standing zoning ordinance which had allowed such buildings (forbidding two-family dwellings) was declared unreasonable, as the amendment was passed immediately after a corporation had bought realty in a zone for that purpose.¹⁵⁹ A statute granting municipalities and counties the power to punish violations of ordinances with penalties other than forfeitures and imprisonment was similarly held invalid.¹⁶⁰ But the installation of parking meters by local governments was approved in two cases.¹⁶¹

Urban areas which are contiguous should be consolidated under a single municipal government, by annexation statutes if necessary.¹⁶² But there is no insurmountable barrier to permitting a village to acquire park property within the limits of another village, even without the latter's

¹⁵² *State ex rel. Arpagaus v. Todd*, 29 N.W. (2nd) 810 (Minn., Nov., 1947).

¹⁵³ *State ex rel. Shriver v. Bd. of Comm.*, 74 N.E. (2nd) 248 (Ohio, July, 1947).

¹⁵⁴ *Williams v. Bd. for Children's Home*, 204 S.W. (2nd) 490 (Ky., May, 1947).

¹⁵⁵ *State ex rel. Prahlow v. City of Milwaukee*, 30 N.W. (2nd) 260 (Wis., Dec., 1947).

¹⁵⁶ *People ex rel. Walsh v. Bd. of Com'rs of Cook County*, 74 N.E. (2nd) 503 (Ill., May, 1947).

¹⁵⁷ *Spoone v. Mayor*, 206 S.W. (2nd) 422 (Tenn., Dec., 1947); *Wallace v. Childers*, 180 P. (2nd) 1005 (Okla., May, 1947); *Rich v. Rosenshine*, 45 S.E. (2nd) 499 (W.Va., Nov., 1947).

¹⁵⁸ *Carroll v. Arlington County*, 44 S.E. (2nd) 6 (Va., Sept., 1947); *Fairfax v. Parker*, 44 S.E. (2nd) 9 (Va., Sept., 1947); *Portage Twp. v. Full Salvation Union*, 29 N.W. (2nd) 297 (Mich., Oct., 1947).

¹⁵⁹ *De Mott Homes v. Margate City*, 56A. (2nd) 423 (N.J., Dec., 1947).

¹⁶⁰ *State ex rel. Keefe v. Schmiede*, 28 N.W. (2nd) 345 (Wis., June, 1947).

¹⁶¹ *Porter v. City of Paris*, 201 S.W. (2nd) 688 (Tenn., May, 1947); *Deaderick v. Parker*, 200 S.W. (2nd) 787 (Ark., Mar., 1947).

¹⁶² *Norfolk Co. v. City of Portsmouth*, 45 S.E. (2nd) 136 (Va., Nov., 1947); *Spence v. Watson*, 186 P. (2nd) 785 (Ore., Nov., 1947).

consent;¹⁶³ for the powers of local government depend on statute, and are not as a rule inherent.¹⁶⁴ Where a city is also a county by statute, however, the city council may act as a county court, although not specifically authorized by statute.¹⁶⁵ The local government may have imposed on it a variety of involuntary obligations, including the cost of acquiring the right of way for a state highway through the county.¹⁶⁶

5. *Political Processes.* The procedure for altering state constitutions was subject to attack in four cases, all unsuccessfully. The courts in general seem disposed to construe procedure for such purposes liberally wherever possible. The Kentucky court upheld the legality of procedure for submitting to the people the question of whether a constitutional convention should be called. The constitution requires that notice of such an election must be given, but the legislature, in its act submitting the question, made no such provision. The court held that since the secretary of state gave 78 days notice, the constitution was complied with, even though a single amendment would require 90 days notice.¹⁶⁷ The validity of an amendment was upheld against an attack referring to the constitutional requirement of inclusion of the full change on the petitions. The court held that this should not be interpreted to require inclusion of more than the new amendment and the provision or provisions which it would replace.¹⁶⁸ The court also said that whatever procedural irregularities there might have been were cured by the adoption of the amendment if the people were adequately informed of the question before them. In fact, in one state the supreme court issued a writ of prohibition to halt consideration of the sufficiency of a petition for a constitutional amendment in a lower court on the ground that by adoption of the amendment the question was made political.¹⁶⁹ The same court held that such provisions of the constitution are sufficiently self-executing to authorize the secretary of state to spend money for such purposes even though not appropriated by the legislature.¹⁷⁰

¹⁶³ *Village of St. Clair Shores v. Village of Grosse Point Woods*, 29 N.W. (2nd) 860 (Mich., Dec., 1947).

¹⁶⁴ *Malley v. Throckmorton*, 206 S.W. (2nd) 455 (Ark., Dec., 1947), disallowing the establishment of a fire department not authorized by statute. See also *Almquist v. City of Biwabik*, 28 N.W. (2nd) 744 (Minn., Aug., 1947); *Brooklyn Apts. v. Mayor*, 55A. (2nd) 500 (Md., Nov., 1947).

¹⁶⁵ *State ex rel. Hart v. City of St. Louis*, 204 S.W. (2nd) 234 (Mo., July, 1947).

¹⁶⁶ *Dept. of Hwys. v. Parker*, 206 S.W. (2nd) 73 (Ky., Nov., 1947).

¹⁶⁷ *Gaines v. O'Connell*, 204 S.W. (2nd) 425 (Ky., Sept., 1947). This holding was coupled with a warning that the procedure of the convention must conform to the provisions of statute providing for it.

¹⁶⁸ *City of Jackson v. Nims*, 26 N.W. (2nd) 569 (Mich., Apr., 1947).

¹⁶⁹ *Renck v. Sup. Ct.*, 187 P. (2nd) 656 (Ariz., Dec., 1947).

¹⁷⁰ *Crozier v. Frohmiller*, 179 P. (2nd) 445 (Ariz., Apr., 1947).

The same attitude can be observed in the cases challenging the validity of local elections. If the petition calling for the election is valid on its face and the election has been held, the courts will not go behind the results except to determine whether the procedure used was fairly calculated to inform the voter,¹⁷¹ or whether the subject was one upon which an election must be held.¹⁷² Only where the election has not yet been held will the court look into the adequacy of the petition as well as the constitutionality of the proposed measure.¹⁷³ Even when the election has been held, the intent of the voters may be used to construe the measure adopted. Intent, however, is not always clear. Where the electors approved a bond issue which was not made for nineteen years because of economic difficulties, the Michigan court held the issue could still be made, even though qualifications for voting had changed in the meantime.¹⁷⁴

With respect to the right to vote, new cases hold that a constitutional and statutory provision that students shall not be deemed to have lost their regular residence by reason of living away from home during school attendance does not operate to prevent veteran student residents of a campus housing development from acquiring a residence there for voting purposes.¹⁷⁵

Elections received attention in only two decisions. In one it was held that a constitutional provision giving the party power to impose qualifications on voters in primary elections authorized the party to fix a reasonable property-holding qualification for the candidates in the primary.¹⁷⁶ In the other, the court held that the votes cast for an ineligible candidate for office must be taken into account and may prevent the certification of another eligible candidate as elected where the latter received neither a majority nor a plurality.¹⁷⁷

II. CIVIL RIGHTS

1. *Freedom of Speech, Press, and Assembly.* Constitutional limits of this character on local licensing and regulatory statutes appear to be sufficiently well established to avoid litigation. Only one ordinance designed to prohibit unnecessary noise was challenged, unsuccessfully, this year.¹⁷⁸

Where regulation of labor activities is concerned, however, the stand-

¹⁷¹ *People v. Berdsong*, 76 N.E. (2nd) 185 (Ill., Nov., 1947); *Dye v. Council*, 182 P. (2nd) 623 (Cal., App., June, 1947).

¹⁷² *State v. City of Jacksonville*, 31 So. (2nd) 385 (Fla., July, 1947). See also *Sanders v. Greater Greenville Sewer Disk.*, 44 S.E. (2nd) 185 (S.C., Sept., 1947).

¹⁷³ *State ex rel. Keefe v. McInerney*, 182 P. (2nd) 28 (Wyo., June, 1947).

¹⁷⁴ *Quaid v. City of Detroit*, 29 N.W. (2nd) 687 (Mich., Dec., 1947).

¹⁷⁵ *Robbins v. Chamberlain*, 75 N.E. (2nd) 617 (N.Y., Oct., 1947).

¹⁷⁶ *Yuratich v. Plaquemines Parish Dem. Comm.*, 32 So. (2nd) 647 (La. App., Nov., 1947).

¹⁷⁷ *Ramsey v. Dunlop*, 205 S.W. (2nd) 979 (Tex., Nov., 1947).

¹⁷⁸ *Konacs v. Cooper*, 52 A. (2nd) 806 (N.Y., Apr., 1947).

ards of free expression are still in a state of flux. Two courts held that regulations of police departments forbidding patrolmen to join labor unions were not an unreasonable limit on civil rights.¹⁷⁹ The same result was reached with respect to an order forbidding such officers to join fraternal orders.¹⁸⁰ The same trend is observed with respect to attacks on the constitutionality of injunctions in labor disputes, a result probably reflecting the Lewis case.¹⁸¹ While there is nothing unusual in the two cases upholding injunctions against picketing involving force and violence,¹⁸² courts in both Illinois and Massachusetts held that peaceful picketing directed against self-employers was not protected by freedom of speech and assembly.¹⁸³ Further, the North Carolina court held that legislation prohibiting the "closed shop" . . . "protects the rights of workmen to organize; it further protects rights of workmen to express their individual opinions by refusing to join unions."¹⁸⁴

The Mississippi court reversed a conviction of a journalist for contempt of court, saying that " . . . ordinarily the court has no right generally to deny to the press opportunity to learn and the right to publish the legitimate facts of trials during the public progress thereof."¹⁸⁵ The judge had instructed witnesses not to talk to outsiders, but not in the presence of the defendant who later questioned them.

2. *Freedom of Religion.* Decisions upholding religious instruction of public school pupils during school hours on a voluntary basis continue to accumulate in opposition to the new federal rule.¹⁸⁶ The California court approved the "released time plan" of the Los Angeles board of education for courses in religion given under the supervision of school authorities, but with the course content determined by a private inter-faith committee.¹⁸⁷ Yet religious freedom does not require that tax-paid transportation be furnished to and from parochial schools in Pennsylvania.¹⁸⁸

¹⁷⁹ *Perez v. Bd. of Comm.*, 178 P. (2nd) 537 (Cal. App., Mar., 1947); *King v. Priest*, 206 S.W. (2nd) 547 (Mo., Nov., 1947). In *City of Springfield v. Close*, 206 S.W. (2nd) 539 (Mo., Nov., 1947), it was held that a statute prohibiting municipal government employees from joining unions did not violate the general constitutional guarantee of a right of collective bargaining.

¹⁸⁰ *Goodwin v. Okla. City*, 182 P. (2nd) 762 (Okla., June, 1947).

¹⁸¹ *U. S. v. United Mine Workers*, 330 U.S. 258; 67 S.C. 677 (1947).

¹⁸² *Local Union, etc., v. Jiannas*, 200 S.W. (2nd) 763 (Ark., Mar., 1947); *Local Union, etc., v. Fortner*, 42 S.E. (2nd) 734 (Ga., May, 1947).

¹⁸³ *Kinoffria v. Int. Bro. of Team.*, 72 N.E. (2nd) 635 (Ill., App., Mar., 1947); *Saveall v. Deners*, 76 N.E. (2nd) 12 (Mass., Dec., 1947).

¹⁸⁴ *State v. Whitaker*, 45 S.E. (2nd) 860, 872 (N.C., Dec., 1947).

¹⁸⁵ *Grannon v. State*, 29 So. (2nd) 916 (Miss., Apr., 1947).

¹⁸⁶ *People ex rel. McCollum v. Bd. of Ed.*, 333 U.S. 203; 68 S.C. 461 (1948).

¹⁸⁷ *Gordon v. Bd. of Ed.* 178 P. (2nd) 488 (Cal. App., Mar., 1947), following cases described in *Sherwood*, *op cit.*, pp. 724-725.

¹⁸⁸ *Connell v. Bd. of Dir.*, 52 A. (2nd) 645 (Pa., May, 1947). Cf. *Everson v. Bd. of Ed.*, 330 U.S. 67 S.C. 504 (1947).

Property tax exemptions given church property are construed with a reasonable degree of latitude. Personal property, such as religious pamphlets stored in the church, is subject to tax.¹⁸⁹ Similar legitimate regulation was held to include the application to distributors of religious literature of a prohibition against child labor.¹⁹⁰

3. *Equal Protection of the Laws.* The number of statutes challenged as providing an improper method of classification of persons is substantially larger this year, although such attacks continue to be unsuccessful in the vast majority of cases. Regulatory legislation thus challenged but upheld includes a law regulating the practice of optometry;¹⁹¹ an act licensing barbers without examination or apprenticeship applicable only to veterans with three years barbering experience in the armed forces;¹⁹² an act declaring certain bodies of water to be salt water and forbidding the catching of fish therein with other than handcast nets;¹⁹³ two statutes granting domestic insurance corporations enlarged powers of investment, and extending those powers to foreign insurance companies authorized to do business in the state;¹⁹⁴ an act providing for the dissolution of a named municipality;¹⁹⁵ a statute establishing a board the members of which are to be appointed by the governor from lists submitted by named private organizations;¹⁹⁶ and a statute authorizing county court judges to appoint members of election registration boards from the members of the two largest political parties.¹⁹⁷ Among the more noteworthy statutes approved in this respect were laws paying bonuses to World War II veterans, and a bond issue to defray the cost of a veteran housing program;¹⁹⁸ an excise tax levied on the privilege of selling butter substitutes at retail;¹⁹⁹ and a North Carolina statute prohibiting the "closed shop."²⁰⁰ Special statutory provisions upheld include an act permitting cancellation of unemployment insurance premiums due monthly if they amount to less than \$300 for a three-year period and if the employer makes a single payment of the

¹⁸⁹ *Watchtower Bible & Tract Soc. Inc. v. Los Angeles Co.*, 182 P. (2nd) 178 (Cal., June, 1947).

¹⁹⁰ *People v. Ciocarlan*, 26 N.W. (2nd) 904 (Mich., Apr., 1947).

¹⁹¹ *Duren v. St. Bd.*, 201 S.W. (2nd) 578 (Ark., Apr., 1947).

¹⁹² *Motley v. St. Bd.*, 45 S.E. (2nd) 550 (N.C., Dec., 1947).

¹⁹³ *Price v. City of St. Peters*, 29 So. (2nd) 753 (Fla., Apr., 1947).

¹⁹⁴ *Levis v. N.Y. Life Ins. Co.*, 55 A. (2nd) 801 (Pa., Nov., 1947).

¹⁹⁵ *Caldwell v. Harris*, 204 S.W. (2nd) 1019 (Tenn., Oct., 1947).

¹⁹⁶ *Elrod v. Willis*, 203 S.W. (2nd) 18 (Ky., June, 1947).

¹⁹⁷ *State ex rel. Beitz v. Co. Ct.*, 72 N.E. (2nd) 225 (Ind., Apr., 1947).

¹⁹⁸ *Lyman v. Adorno*, 52 A. (2nd) 702 (Conn., Apr., 1947); *Franco v. City of New Haven*, 52 A. (2nd) 866 (Conn., Apr., 1947).

¹⁹⁹ *Schmitt v. Nord*, 27 N.W. (2nd) 910 (S.D., June, 1947).

²⁰⁰ *State v. Whitaker*, 45 S.E. (2nd) 860 (N.C., Dec., 1947). A similar tax on motor vehicle fuel was likewise upheld in *Plank v. Crines*, 28 N.W. (2nd) 34 (Iowa, June, 1947).

amount due,²⁰¹ and statutes limiting the adverse effect on taxpayers of property erroneously assessed or income improperly reported.²⁰²

Several important cases challenged special treatment of Negroes and Japanese as discriminatory, but were upheld as not violative of equal protection guarantees. In Louisiana, it was held that the mere absence of Negroes on a jury did not invalidate a trial, since they were not excluded by statute.²⁰³ Oklahoma likewise upheld again the "separate but equal" educational policy of that state.²⁰⁴ And the California court approved a statute denying commercial fishing licenses to aliens ineligible for citizenship.²⁰⁵ Four more decisions upholding restrictive covenants were handed down before the new federal rule was announced.²⁰⁶

Several statutes were invalidated as prescribing improper classifications. These included a Georgia statute requiring hotels charging more than two dollars for a room to provide outside fire escapes. The court held that the classification had no relation to the purpose of the law.²⁰⁷ Similarly, a statute fixing minimum wholesale cigarette prices which failed to take account of the different operating costs of wholesalers was invalidated.²⁰⁸ The same court held likewise that it was in violation of equal protection of the laws for a municipality to revoke the license of a liquor dealer by action of the council without notice or hearing, without revoking the licenses of all others similarly situated.²⁰⁹ The Illinois court held that a statute requiring strip-mine operators to restore the previous contour of the land after mining was unfairly discriminatory.²¹⁰ Also a statute providing for a board to erect and maintain a public auditorium was found invalid because the board members were in part to be selected by the officers of named local service clubs.²¹¹

²⁰¹ *General Mills v. Div. of Empl.*, 28 N.W. (2nd) 847 (Minn., July, 1947.)

²⁰² *Gulf Ref. Co. v. Evatt*, 74 N.E. (2nd) 351 (Ohio, July, 1947); *Newman v. Dickson*, 203 S.W. (2nd) 33 (Ky., June, 1947).

²⁰³ *State v. Perkins*, 31 So. (2nd) 188 (La., May., 1947). Cf. the recent U.S. decisions, *Fay v. People*, 332 U.S. 261; 67 S.Ct. 1613 (1947); *Patton v. State*, 332 U.S. 463; 68 S.Ct. 184 (1947).

²⁰⁴ *Sipuel v. Bd. of Regents*, 180 P. (2nd) 135 (Okla., Apr. 1947).

²⁰⁵ *Torao Takahashi v. Fish & Game Comm.*, 185 P. (2nd) 805 (Calif., Oct., 1947). Reversed, 68 S. Ct. 1138 (1948).

²⁰⁶ *Hawkins v. Wayne*, 179 P. (2nd) 138 (Okla., Mar., 1947); *Northwest Civic Assoc. v. Sheldon*, 27 N.W. (2nd) 36 (Mich., Apr., 1947); *Malicke v. Milan*, 30 N.W. (2nd) 440 (Mich., Jan., 1948); *Mrsa v. Reynolds*, 27 N.W. (2nd) 40 (Mich., Apr. 1947). These cases were all decided before *Shelley v. Kraemer*, U.S.; 68 S.C. 836 (1948).

²⁰⁷ *Geele v. State*, 43 S.E. (2nd) 254 (Ga., June, 1947). This case arose out of the disastrous Atlanta hotel fire.

²⁰⁸ *Serrer v. Cig. Serv. Co.*, 76 N.E. (2nd) 91 (Ohio, Nov., 1947). See also *McWhorter v. Settle*, 43 S.E. (2nd) 247, 250 (Ga., May, 1947).

²⁰⁹ *Mayor v. Savannah Dist. Co.*, 43 S.E. (2nd) 704 (Ga., July, 1947).

²¹⁰ *No. Illinois Coal Corp. v. Medill*, 72 N.E. (2nd) 844 (Ill., Mar., 1947).

²¹¹ *Ashmore v. Gr. Greenville Sewer Dist.*, 44 S.E. (2nd) 88 (S.C., Aug., 1947).

Two special acts were declared invalid for the same reason. One attempted to license a named individual as a veterinarian without examination on the ground that he had performed "public service" by acting as a veterinarian.²¹² The other attempted to give the widow of a state employee, killed in the course of his work, the right to sue the state for damages.²¹³

4. *Police Power.* The frequency with which prohibitory and regulatory laws were challenged as being beyond the police power is somewhat greater this year than last, although relatively few challenges succeeded. Three liquor laws were upheld: one forbidding the possession of liquor,²¹⁴ one establishing a system of licensing retail distributors,²¹⁵ and one providing for county local option.²¹⁶ A statute establishing a local police department in Indiana was challenged twice unsuccessfully this year.²¹⁷ A law permitting the abolition of drainage districts and abandonment of improvements on the authority of county boards was likewise approved.²¹⁸

Statutes declared unwarranted interference with private business include a law providing for paid time off for employees on election day,²¹⁹ a restriction limiting the sale of fire and casualty insurance to agents selling on a commission basis,²²⁰ a statute requiring open-cut or strip-mine operators to restore the contour of their mining lands after completing their operations,²²¹ and a law requiring the fencing of all "excavations," to the extent that it was applicable to irrigation ditches.²²²

5. *Right to Bear Arms.* One case arose this year under this seldom used guarantee. It was held in New Mexico that the constitutional policy of permitting firearms to be kept in private homes would prevent a finding of liability of parents for a wrongful death caused by their 13-year-old

²¹² Reid v. Robertson, 200 S.W. (2nd) 900 (Ky., Mar., 1947).

²¹³ Martin v. Sheppard, 201 S.W. (2nd) 810 (Tex., Apr., 1947).

²¹⁴ Stepp v. State, 32 So. (2nd) 447 (Miss., Nov., 1947).

²¹⁵ Graff v. Priest, 201 S.W. (2nd) 945 (Mo., Apr., 1947).

²¹⁶ Fuson v. Howard, 205 S.W. (2nd) 1018 (Ky., Nov., 1947).

²¹⁷ State *ex rel.* Manity v. Tyndall, 75 N.E. (2nd) 543 (Ind., Oct., 1947); Voelker v. Tyndall, 75 N.E. (2nd) 548 (Ind., Nov., 1947). Both cases rejected a claim by an acquitted citizen for return or destruction of fingerprints and photographs.

²¹⁸ Great Northern Ry. Co. v. Graff, 28 N.W. (2nd) 77 (S.D., May, 1947). See also Kovacs v. Cooper, 52 A. (2nd) 806 (N.Y., Apr., 1947); State v. Whitaker, 45 S.E. (2nd) 860 (N.C., Dec., 1947); and Torao Takahashi v. Fish & Game Comm., 185 P. (2nd) 805 (Cal., Oct., 1947), for other statutes, discussed in other connections above, which were upheld as legitimate exercise of police power.

²¹⁹ Ill. Cent. Ry. v. Comm., 204 S.W. (2nd) 973 (Ky., June, 1947).

²²⁰ Dept. of Ins. v. Schoonover, 72 N.E. (2nd) 747 (Ind., May, 1947).

²²¹ No. Ill. Coal Corp. v. Medell, 72 N.E. (2nd) 844 (Ill., Mar., 1947). See also Serrer v. Cig. Serv. Corp. 76 N.E. (2nd) 91 (Ohio, Nov., 1947).

²²² Orr Ditch & Water Co. v. Justice Ct., 178 P. (2nd) 558 (Nev., Mar., 1947).

son in the absence of a showing that they knew the son was reckless in the use of firearms.²²³

6. *Due Process in Criminal Proceedings.* This is the largest group of cases involving some aspect of civil rights. As such, they include a wide variety of special situations, ranging all the way from the form of the criminal statute to questions involving interpretation of the guarantee against double jeopardy.

With respect to criminal statutes themselves, the New Jersey court held that an ordinance requiring the licensing of gum-vending machines and punishing violators with a fine of \$24,600 or thirty years' imprisonment was unconstitutional as cruel and unusual punishment.²²⁴ Elsewhere it was held that a statute prohibiting billboards "designed or calculated" to cause the public to believe that they related to retail motor fuel prices was sufficiently precise to inform a reasonable person of the thing prohibited, as required by due process.²²⁵

The guarantee of a speedy trial was held not to be violated by a delay of ten months between the return of a verdict and sentence where the delay was caused in part by defendant's failure to request a hearing on a motion to set aside the verdict.²²⁶

Pre-trial procedure was involved in several decisions. The validity of searches conducted without warrant but on "probable cause" was upheld in two decisions.²²⁷ In another similar case, search without a warrant of the premises and surroundings under the defendant's immediate control was approved as incident to the arrest.²²⁸ However, such "probable cause" must be supported by facts.²²⁹ Federal standards of the characteristics of a valid search warrant are not accepted in Iowa.²³⁰ An indictment returned by a grand jury must contain reasonably detailed allegations of essential facts,²³¹ and must specify the crime with which the defendant is being charged.²³²

Admission of the confession of the principal in a criminal act in the separate trial of the alleged accessory deprives the latter of the right to confront the witnesses against him, even though the confession was used

²²³ *Lopez v. Chewiwie*, 186 P. (2nd) 512 (N.M., Nov., 1947).

²²⁴ *Mayor, etc. v. Bauer*, 55A (2nd) 883 (N.J. City Ct., Oct., 1947).

²²⁵ *Comm. v. Slome*, 75 N.E. (2nd) 517 (Mass., Nov., 1947).

²²⁶ *Howell v. Comm.* 45 S.E. (2nd) 165 (Va., Nov., 1947).

²²⁷ *Thompson v. State*, 203 S.W. (2nd) 361 (Tenn., June, 1947); *State v. Flanagan*, 29 S.W. (2nd) 771 (Wis., Nov., 1947).

²²⁸ *State v. Uielilhoff*, 29 N.W. (2nd) 78 (S.D., Oct., 1947).

²²⁹ *Smallwood v. Comm.*, 204 S.W. (2nd) 945 (Ky., Oct., 1947).

²³⁰ *State v. Bisignano*, 28 N.W. (2nd) 504 (Iowa, July, 1947).

²³¹ *State v. Harrison*, 43 S.E. (2nd) 214 (W. Va., June, 1947).

²³² *Hickman v. Brady*, 52 A. (2nd) 72 (Md., Mar., 1947).

to show the principal's guilt.²³³ Furthermore, any private investigation of character witnesses by a court pending a ruling on a motion for a new trial is improper for the same reason.²³⁴ This is true even though the defendant does not have the same right to appear in person and testify in his own behalf in a hearing on a motion to set aside his conviction.²³⁵ But where the testimony was given at a preliminary hearing, it may be admitted at the trial only if the defendant had an adequate opportunity for cross-examination.²³⁶ Such a right of self-protection does not prevent withdrawal of evidence in the defendant's absence, providing his counsel was present.²³⁷

Protection against self-incrimination in state courts does not prevent statutory authorization of comment on defendant's failure to testify, nor does it prevent the jury from drawing reasonable inferences from this fact.²³⁸ The Michigan court, however, held that a witness in a state criminal action could not be compelled to give testimony which could be used against him in a federal proceeding.²³⁹ However, a coroner's inquest is not a part of the trial; so the defendant can be compelled to testify. But such testimony cannot be admitted in the trial unless given voluntarily.²⁴⁰

A Louisiana statute providing that violation of a statute or ordinance shall be considered presumptive evidence of criminal negligence was upheld against the charge that such a rule deprives the accused of the right to defend himself.²⁴¹ Similar concern with the rules of evidence appears in several other decisions. The Illinois Habitual Criminal Act and a similar Arkansas statute applicable to liquor prosecutions were approved, subject only to the qualification that evidence of prior offenses must be supplemented by substantial evidence of guilt of the offense charged to

²³³ *Marjason v. State*, 75 N.E. (2nd) 904 (Ind., Dec., 1947). Compare *State v. Justice*, 44 S.E. (2nd) 859 (W. Va., Nov., 1947).

²³⁴ *People v. Cooper*, 75 N.E. (2nd) 885 (Ill., Nov., 1947).

²³⁵ *Pippin v. People*, 75 N.E. (2nd) 347 (Ill., Sept., 1947).

²³⁶ *People v. Valelez*, 187 P. (2nd) 74 (Cal. App., Dec., 1947). See *State v. Nagel*, 28 N.W. (2nd) 665 (N.D., Aug., 1947), holding that the similar federal constitutional provision was not violated by a statute making birth certificates issued by the state conclusive evidence of the facts they contain. Compare *In re Oliver*, 333 U.S. 257; 68 S.C. 499 (1948).

²³⁷ *People v. Isby*, 186 P. (2nd) 405 (Cal., Nov., 1947).

²³⁸ *State v. Baker*, 53 A. (2nd) 58 (Vt., May, 1947); *Owens v. Comm.*, 43 S.E. (2nd) 895 (Va., Sept., 1947). See *Adamson v. Calif.*, 332 U.S. 46; 67 S.C. 1672 (1947).

²³⁹ *People v. Den Uhl*, 29 N.W. (2nd) 284 (Mich., Oct., 1947); *People v. Hoffa*, 29 N.W. (2nd) 292 (Mich., Oct., 1947). See *People ex rel. Hesley v. Ragen*, 72 N.E. (2nd) 311 (Ill., Mar., 1947).

²⁴⁰ *State v. Burnett*, 206 S.W. (2nd) 345 (Mo., Dec., 1947).

²⁴¹ *State v. Nix*, 31 So. (2nd) 1 (La., Apr., 1947).

support a verdict.²⁴² In one case, the court went so far as to approve the admission into evidence of a voluntary confession made by the defendant while under arrest but before being formally charged or informed of his constitutional rights.²⁴³

The extent to which an appellate court can review and weigh the evidence in a criminal case varies widely. The Maryland court insists on its lack of authority, while the California court holds that such a function is appropriate.²⁴⁴

Constitutions usually require that a jury trial be held in the district where the offense is alleged to have been committed. This, however, does not require that all members of the jury must be residents of the district.²⁴⁵ Jury trial may, of course, be waived by the defendant or his counsel,²⁴⁶ and in many states the legislature may provide for other than common law juries required by the federal constitution.²⁴⁷

Due process of law sometimes requires the trial court to assign counsel for a defendant when, for example, he is young, inexperienced, or illiterate, and has failed to request aid.²⁴⁸ In other cases, it is held that such an obligation with respect to trials for felonies other than capital is only statutory.²⁴⁹ It is not required when the defendant fails to request it if he has had sufficient experience in such matters to show that he is aware of his rights.²⁵⁰ But where counsel is assigned, he must be given reasonable time to prepare a defense²⁵¹ and be allowed to communicate with the defendant before the trial opens.²⁵² In the latter case, if such a right is denied, objection must be entered at once and not on appeal from the verdict.

With respect to double jeopardy, where repetition of crime renders the accused subject to greater punishment, the offense will be treated as the

²⁴² *People v. Manning*, 74 N.E. (2nd) 494 (Ill., May, 1947); *Richardson v. State*, 204 S.W. (2nd) 477 (Ark., Sept., 1947). See also *State v. Hartung*, 30 N.W. (2nd) 491 (Iowa, Jan., 1948).

²⁴³ *State v. Miller*, 45 S.E. (2nd) 23 (S.C., Nov., 1947).

²⁴⁴ *Abbot v. State*, 52 A. (2nd) 489 (Md., April, 1947); *People v. Malone*, 185 P. (2nd) 870 (Cal. App., Oct., 1947).

²⁴⁵ *State ex rel. Cosner v. Lee*, 42 S.E. (2nd) 31 (W.Va., Mar., 1947).

²⁴⁶ *People v. Esposti*, 185 P. (2nd) 866 (Cal. App., Oct., 1947).

²⁴⁷ *State v. Henderson*, 186 P. (2nd) 519 (Ore., Nov., 1947).

²⁴⁸ *Ex parte Cook*, 183 P. (2nd) 595 (Okla. Cr. App., July, 1947); *Dunfee v. Huds-peth*, 178 (2nd) 1009 (Kan., Mar., 1947).

²⁴⁹ *State v. Hedgebeth*, 45 S.E. (2nd) 563 (N.C., Dec., 1947); *People v. Brown*, 74 N.E. (2nd) 706 (Ill., Sept., 1947). Cf. *Fay v. People*, 332 U.S. 261; 67 S.C. 1613 (1947); *Bute v. People*, 333 U.S. 640; 68 S.C. 763 (1948). See also *State v. Watson*, 202 S.W. (2nd) 50 (Mo., May, 1947).

²⁵⁰ *State ex rel. Weazloff v. Burke*, 27 N.W. (2nd) 475 (Wis., May, 1947).

²⁵¹ *Hay v. State*, 75 N.E. (2nd) 915 (Ind., Dec., 1947).

²⁵² *Morris v. Peacock*, 43 S.E. (2nd) 531 (Ga., June, 1947). See also *People v. Staryak*, 72 N.E. (2nd) 815 (Ill., Mar., 1947); *Weinecke v. State*, 52 A. (2nd) 73 (Md., Mar., 1947); *Ex parte Smith*, 187 P. (2nd) 1003 (Okla. Cr. App., Dec., 1947).

first one unless the indictment specifies the earlier crimes.²⁵³ In general, however, double jeopardy does not prevent conviction for several crimes all arising out of the same set of facts.²⁵⁴

Protection against imprisonment for debt does not invalidate a statute punishing with a prison sentence²⁵⁵ failure to pay employees' wages due. Nor does a statute providing such penalties for injuries to the public, since the obligation is not a debt.²⁵⁶ Similar reasoning was used to justify a divorce decree compelling the respondent to carry life insurance.²⁵⁷

7. *Procedural Requirements in Civil Suits.* The right to be heard before one is adversely affected by governmental action is not so absolute as to prevent the state from using money held by insurance companies but unclaimed for seven years,²⁵⁸ to prevent the state from authorizing a summary procedure for locating boundaries between coterminous land owners,²⁵⁹ or from punishing non-compliance with administrative orders,²⁶⁰ so long as resort to the courts is ultimately possible. Such suits must be brought in the county of the defendant's residence; or, where there are several defendants, in the county of residence of one of them.²⁶¹

Notice within the meaning of due process normally requires that an interested party be informed of the nature of the proceeding as well as the time and place of hearing. Thus notice must be given to a mentally incompetent person of proceedings to appoint his guardian.²⁶² Where the statute provides for constructive service of notice, the procedure must be such that it is reasonably probable that it will reach the person to whom it is directed, and the notice must meet all statutory requirements to give the court jurisdiction.²⁶³ In matters of taxation, however, the rule is less strict. Notice fixing the deadline for filing property tax returns and the date when penalties begin to run is sufficient.²⁶⁴ And notice by publication

²⁵³ *State v. Leetz*, 452 A. (2nd) 773 (N.J., Apr., 1947).

²⁵⁴ *State v. Cowman*, 29 N.W. (2nd) 238 (Iowa, Oct., 1947); *Hanks v. State*, 76 N.E. (2nd) 702 (Ind., Jan., 1948); *Dearing v. State*, 204 S.W. (2nd) 985 (Tex. Cr. App., Apr., 1947); *In re Pearson*, 186 P. (2nd) 401 (Cal., Nov., 1947); *Application of Caruso*, 53 A. (2nd) 309 (N.J. May, 1947).

²⁵⁵ *Ex parte Trombley*, 178 P. (2nd) 510 (Cal. App., Mar., 1947).

²⁵⁶ *State Bd. of Med. Exam. v. Kornreich*, 56 A. (2nd) 490 (N.J., Jan., 1948).

²⁵⁷ *Speer v. Speer*, 74 N.E. (2nd) 97 (Ohio, Mar., 1947). See also *Ex parte Ward*, 187 P. (2nd) 250 (Okla. Cr. App., Dec., 1947); *Ex parte Phyle*, 186 P. (2nd) 134 (Cal., Nov., 1947).

²⁵⁸ *Conn. Mut. Life Ins. Co. v. Moore*, 74 N.E. (2nd) 24 (N.J., July, 1947).

²⁵⁹ *Lypolt v. Shaffer*, 43 S.E. (2nd) 235 (W. Va., June, 1947).

²⁶⁰ *State v. Carter's Motor F. Sys. Inc.*, 179 P. (2nd) 496 (Wash., Apr., 1947); *City of Nevada v. Welty*, 203 S.W. (2nd) 459 (Mo., June, 1947).

²⁶¹ *Benton Rapid Exp. Inc. v. Johnson*, 43 S.E. (2nd) 667 (Ga., July, 1947).

²⁶² *Lommason v. Wash. Trust Co.*, 53 A. (2nd) 175 (N.J., May, 1947).

²⁶³ *State ex rel. Staley v. Herford*, 45 S.E. (2nd) 738 (W. Va., Dec., 1947).

²⁶⁴ *Grubb v. Johnson Oil Ref. Co.*, 179 P. (2nd) 688 (Okla., Apr. 1947).

is sufficient to protect the rights of those with liens on tax delinquent lands to be sold.²⁶⁵ Admitted service of notice upon a corporation counsel removes the necessity of serving notice on the president or other head of the company.²⁶⁶

In a proceeding for damages for a wrongful death, the plaintiff may question the company defendant about their witnesses and may order the company to produce records shown to be appropriate without engaging in an unlawful search.²⁶⁷ Similarly, disorderly conduct under a city ordinance is a civil proceeding which entitles the defendant to a jury trial only if the statutes so provide.²⁶⁸ The same principle applies to an action to cancel an insurance policy.²⁶⁹

There is nothing improper in excluding evidence submitted by the owner of property being condemned as to its market value when such evidence is entirely unsupported by the evidence of experts.²⁷⁰ Similarly, in an action for damages to realty from the construction of a viaduct, the court may exclude evidence of sums paid to neighboring owners.²⁷¹

The Iowa statute of limitations applicable to tax deed conveyances of real property was upheld, since the time within which actions challenging such transfers of title was reasonably long.²⁷²

Finally, the above criminal and civil guarantees were held once again to limit action by the government only, so that failure by a labor union to provide notice and hearing before expulsion of a member is not unconstitutional.²⁷³ Such a decision is unique, of course, only in that it got into court at all.

8. *Due Process as a Protection of Substantive Rights.* A small group of cases involved due process as a substantive protection of property rights. The community property law of Pennsylvania, passed in 1947, was declared unconstitutional on the ground that the provision making community property income and profits derived from real or personal property

²⁶⁵ *Reina v. Hope*, 30 So. (2nd) 172 (Fla., Apr., 1947); *Henry v. Mauzella*, 201 S.W. (2nd) 457 (Mo., Apr., 1947).

²⁶⁶ *Haggerty v. Sherburne Merc. Co.*, 186 P. (2nd) 884 (Mont., Nov., 1947). Compare *Irwin v. Willis*, 43 S.E. (2nd) 691 (Ga., June, 1947).

²⁶⁷ *State ex rel. Kansas City Publ. Serv. Co. v. Cowan*, 203 S.W. (2nd) 407 (Mo., June, 1947), following *State ex rel. Fireman Corp. v. Ward*, 351 Mo. 761; 173 S.W. (2nd) 920 (1943).

²⁶⁸ *State ex rel. McStroul v. Lucas*, 29 N.W. (2nd) 73 (Wis., Oct., 1947).

²⁶⁹ *Fish v. Prud. Ins. Co.* 75 N.E. (2nd) 57 (Ind., Oct., 1947).

²⁷⁰ *Long Beach City High Sch. Dist. v. Stewart*, 185 P. (2nd) 585 (Cal., Oct., 1947).

²⁷¹ *Heimann v. City of Los Angeles*, 185 P. (2nd) 597 (Cal., Oct., 1947).

²⁷² *Swanson v. Poutrola*, 27 N.W. (2nd) 21 (Iowa, Apr., 1947). See also *Morris v. First Nat'l Bank*, 42 S.E. (2nd) 215 (Ga., Feb., 1947).

²⁷³ *State v. Le Fevre*, 28 N.W. (2nd) 349 (Wis., July, 1947). Compare *Madden v. Queens Co. Jockey Club*, 72 N.E. (2nd) 697 (N.Y., Apr., 1947).

belonging to one of the spouses previous to the marriage violates due process of law.²⁷⁴ A similar legislative effort to authorize the division of a homestead over the objections of a widow was held to violate a constitutional guarantee of indivisibility.²⁷⁵

A railroad was ordered to pay damages to property-owners neighboring the terminal for injury from smoke, soot, cinders, etc., dispersed in the neighborhood and the court declared this to be required by due process.²⁷⁶

The South Carolina court declared that a church, even if its charter had lapsed, could receive a deed, and that the title would then be vested in the members who, in turn, could sell the property.²⁷⁷

9. *Taxation.* Property taxes were the subject of several decisions, most of which present no unique aspects. Statutory exemptions from assessment of certain classes of personal and movable property were approved in Alabama.²⁷⁸ In Kentucky, it was held that while the sale price of realty was not the sole criterion of value, if the property was recently sold, its price is the best evidence.²⁷⁹

A gallonage tax on liquor sold by the state was approved as a substitute for the property tax, the state having an immunity to such taxes only if specifically provided by law.²⁸⁰ The same court, however, held that a city-owned rapid transit system was taxable by implication.²⁸¹

License taxes, to be valid, must not be so high as to amount to a prohibition,²⁸² and must burden the same class of subjects equally. Thus a statute authorizing a single county to levy such taxes on business in incorporated areas is invalid.²⁸³ Similarly, a gross income tax must be construed to apply to sales at wholesale prices by a company to its own employees.²⁸⁴

The only unique case in this group arose in Alabama. Under a special constitutional amendment, the proceeds of the income tax were pledged to payment of the state debt, and then to the purpose of reducing the property tax rate. This amendment on several occasions was held not to be self-executing and the legislature took no action, with the result that considerable revenue has accumulated in the state treasury. The governor asked the supreme court whether, if another amendment were added,

²⁷⁴ *Willcox v. Penn. Mut. Life Ins., Co.*, 55 A. (2nd) 521 (Pa., Nov., 1947).

²⁷⁵ *Henderson v. Henderson*, 204 S.W. (2nd) 911 (Ark., Oct., 1947).

²⁷⁶ *Devoke v. Yazoo & M. O. R. Co.*, 30 So. (2nd) 816 (La., Mar., 1947).

²⁷⁷ *Jeffrey v. Ehrhardt*, 43 S.E. (2nd) 483 (S.C., July, 1947). Compare *Boyle v. Pub. Adj. Const. Co.*, 76 N.E. (2nd) 377 (Ohio, Dec., 1947).

²⁷⁸ *Opinion of the Justices*, 32 So. (2nd) 297 (Ala., Oct., 1947).

²⁷⁹ *Evans v. Allen*, 205 S.W. (2nd) 514 (Ky., Oct., 1947).

²⁸⁰ *State ex rel. Williams v. Glander*, 74 N.E. (2nd) 82 (Ohio, June, 1947).

²⁸¹ *City of Shaker Heights v. Zangerle*, 74 N.E. (2nd) 318 (Ohio, July, 1947).

²⁸² *McGriff v. State*, 204 S.W. (2nd) 885 (Ark., Oct., 1947).

²⁸³ *Fulton Co. v. Lockhart*, 45 S.E. (2nd) 220 (Ga., Oct., 1947).

²⁸⁴ *Walgreen Co. v. Tax Div.*, 75 N.E. (2nd) 784 (Ind., Dec., 1947).

money accumulated and to be collected from this source could be devoted to other purposes. There is a suggestion here of a law above the constitution which protects vested rights—a suggestion evaded by the court, which held simply that the interest of property-tax payers in the fund had not become vested as yet and would not, at least until legislation implementing the first amendment was passed.²⁸⁵

10. *Eminent Domain*. This section also is relatively brief this year. The general principle is that the legislature may decide whether taking of property will accomplish the end proposed, while the courts will determine whether the purpose is a public one, whether the compensation is adequate, and whether the taking is necessary.²⁸⁶ Thus most such decisions turn on such questions as what are the damages for which compensation may be sought,²⁸⁷ what form can the compensation take,²⁸⁸ and what title does the state acquire.²⁸⁹

11. *Retrospective Acts*. Judicial solicitude for private rights usually prevents retroactive application of statutes disadvantageous to individuals. Beyond this general principle, there is no uniformity in the reported decisions. Statutes of limitations must not go into operation in such a way as to prejudice the rights of those relying on preëxisting more favorable law;²⁹⁰ yet other procedural changes may be made retroactively, such as changes to the disadvantage of the state,²⁹¹ or to the advantage of the individual.²⁹²

²⁸⁵ Opinion of Justices, 30 So. (2nd) 254 (Ala., Apr., 1947). See also, on when rights become vested; Kern v. City of Long Beach, 179 P. (2nd) 799 (Cal., Apr., 1947); Campbell v. Oliphant, 206 S.W. (2nd) 406 (Tenn., Nov., 1947); Kilpatrick v. Selkowitz, 55 A. (2nd) 824 (N.J. Ch., Nov., 1947); Lane v. St. Louis Trust Co., 201 S.W. (2nd) 288 (Mo., Mar., 1947); McCowan v. Equitable Life Assur. Soc., 179 P. (2nd) 275 (Colo., Mar., 1947).

²⁸⁶ State *ex rel.* United Fuel Co. v. De Berry, 43 S.E. (2nd) 408 (W. Va., July, 1947); Peary-Wilson Lumber Co. v. Brevard Co., 31 So. (2nd) 483 (Fla., July, 1947); Card v. City of Detroit, 29 N.W. (2nd) 146 (Mich., Oct., 1947); State *ex rel.* Hwy. Comm. v. James, 205 S.W. (2nd) 534 (Mo., Nov., 1947); Bd. of Regents v. Palmer, 204 S.W. (2nd) 291 (Mo., Sept., 1947). Such a decree is so judicial that it is reviewable only on *certiorari* or appeal. State *ex rel.* N.W. Elec. Co. v. Sup. Ct., 179 P. (2nd) 510 (Wash., Apr., 1947); City of Hutchinson v. Wagoner, 186 P. (2nd) 243 (Kan., Nov., 1947).

²⁸⁷ See Heimann v. City of Los Angeles, 185 P. (2nd) 597 (Cal., Oct., 1947); Naconia Pk. Tel. Co. v. State, 180 P. (2nd) 626 (Okla., Apr., 1946).

²⁸⁸ Elec. Pwr. Bd. v. Thomi, 201 S.W. (2nd) 649 (Tenn., May, 1947), held that payment is an obligation of the government which may not be avoided by pledging profits from a state-owned enterprise. See also Long Beach City Sch. Dist. v. Stewart, 185 P. (2nd) 585 (Cal., Oct., 1947); Hazel Park Assn. v. Royal Oak Twp., 27 N.W. (2nd) 249 (Mich., April, 1947).

²⁸⁹ Summerill v. Hunt, 55 A. (2nd) 833 (N.J., Oct., 1947).

²⁹⁰ U. S. Rubber Co. v. McManus, 45 S.E. (2nd) 702 (S. C., Nov., 1947).

²⁹¹ Cal. Empl. Stab. Comm. v. Payne, 187 P. (2nd) 702 (Cal., Dec., 1947).

²⁹² Gulf Ref. Co. v. Evatt, 74 N.E. (2nd) 351 (Ohio, July, 1947).

FOREIGN GOVERNMENT AND POLITICS

SOME COMPARATIVE EXPERIENCE IN ADJUSTING LOCAL UNITS AND AREAS*

EDWARD W. WEIDNER

University of Minnesota

The problem of adjusting the units and areas of local government to meet changing conditions seems to be a universal one. It involves not only the question of procedure, but also the quest of the ideal. With the exception of school districts, extensive experimentation has not been forthcoming in the United States; other English-speaking countries have been far more concerned with local units and areas.

The present paper deals with the experiences of four central governments—England and Wales, New Zealand, Alberta, and Saskatchewan. None of them has found the ideal system. All have evolved various successful techniques to adjust local units and areas from time to time.

I

Widespread interest in reorganizing the areas and units of local government in England and Wales has been evident since before 1944. During the period 1943 to 1945, numerous individuals and groups came forward with plans for reform, among them the Labor party, the Liberal party, the Liberal National Committee, the National Association of Local Government Officers, the Association of Municipal Corporations, the County Councils Association, and the Urban and Rural Districts Associations.¹ Proposals by the two Liberal groups, the counties, and the urban and rural districts involved only minor variations from the existing local government structure. As a result, most interest was focused upon the NALGO and AMC reports calling for varying plans of single all-purpose authorities and on Labor's proposal for a two-tier structure.¹

For the most part, the plans put forth by the local authority associations

* This study was financed in part by a generous grant from the University of Minnesota Graduate School Research Fund. Robert C. Storey, research assistant, capably collected data for the section on England and Wales. Thanks are due not only to the Graduate School and Mr. Storey, but also to several public officials in Alberta, Saskatchewan, and New Zealand who promptly answered many inquiries. The article is based upon developments through the autumn of 1947.

¹ For more complete discussions of some of these plans, see J. H. Warren, "The Structure of Local Government and Recent Proposals for Its Reform," *Public Administration* (London), Vol. 22, pp. 3-11 (1944), discussing the NALGO, AMC, and Labor party proposals; and Liberal National Committee, "Future of Local Government," *Municipal Journal*, Vol. 52, pp. 779-780 (1944).

were defenses of the particular level of local government they represented. Thus the County Councils Association called for greater powers for the counties and possible elimination of those counties of less than 100,000 population; the Urban and Rural Districts Associations defended district units as essential and cited the need for the maintenance of their powers; and the AMC called for single all-purpose authorities much like the existing county boroughs.

The Labor party called for a two-tier structure with the major or regional authorities (about 40 in number) controlling and administering the majority of services not administered centrally, and the minor or area authorities (about 150 in number, with an average population of 250,000 to 300,000) performing purely local services or those delegated to them by the region. It is very possible that the Labor party plan holds the key to future reorganization of local government in England and Wales, at least if the party continues to hold power. Thus in the latter half of 1946 the parliamentary secretary to the Minister of Health stated that it was the Labor government's task to create new machinery for local units. It would consist of a two-tier structure, much like that envisaged by the earlier party report. When asked if he agreed with the statement, Minister of Health Aneurin Bevan replied that he did not disagree with it, but added that the time was not ripe for a major reform of local government.² More recently, several individuals have been calling for a royal commission to investigate the reform of local government; but the government evidently feels that such action must wait.³

The publication of many unofficial plans for local reorganization gave impetus to the movement for official action by the Coalition Government. At the same time, localities were criticizing the government for attacking the problem of postwar position of local government piecemeal, function by function.⁴ After much consultation with local authority associations and others, the government issued a White Paper, "Local Government in England and Wales During the Period of Reconstruction," toward the end of 1944.⁵

The central proposal of the White Paper was for the establishment of a local-government boundary commission which would have the power to adjust where necessary the boundaries and status of all localities except in the London and, in part, Middlesex areas. Two safeguards designed to limit the commission's complete freedom were suggested. The Minister of

² As reported in *Municipal Journal*, Vol. 54, p. 2145 (1946).

³ For example, see *Local Government Journal*, Vol. 76, pp. 30 and 51 (1947).

⁴ Edward W. Weidner, "Trends in English Local Government, 1944," in this *Review*, Vol. 39, p. 348 (1945).

⁵ A summary of the White Paper may be found in *Local Government Journal*, Vol. 74, pp. 43-46 (1945).

Health would give the commission Parliament-approved general directions for guidance on broad issues, and the more important decisions of the body would be submitted to the minister as draft orders and would be subject to review by Parliament. The procedures of county reviews and county borough extension bills would be abolished. The former gave a county council power to review the boundaries of units of government within the county and alter them if it saw fit, while the latter permitted a county borough to promote in Parliament a bill extending its boundaries.

Perhaps just as significant as that which was proposed was that which was omitted. Neither regional authorities nor universal all-purpose units were favored. The White Paper proposed no immediate or complete overhauling of the units and areas of local government. It represented a desire merely to continue trends already in evidence. Larger and fewer district units were created under the procedure of 1929 and 1933 legislation providing for county reviews—a net decrease of 157 urban and 169 rural districts being accomplished by 1944. In cases where the boundary commission's redrawing of boundaries would not result in units of sufficient size for a particular service, the centralization of a particular function or the use of joint boards might be resorted to, according to the White Paper. Transfer of several functions to the central government had already been effected in recent years; and joint boards were in common use, as evidenced by the fact that 934 out of the 1,396 local planning authorities in 1944 carried out their responsibilities through 167 joint executive committees. The parliamentary debate on the White Paper was favorable, commendation especially being directed to the boundary commission proposal and the suggestion that the existing county and county borough framework be retained.

In the closing days of Parliament in the middle of 1945, the Local Government (Boundary Commission) Act was passed, implementing the proposals of the White Paper. There were those who suggested during the debate that the bill's provisions did not go far enough. General approval, however, was forthcoming. The contemplated procedure was that a commission of five would be appointed by the minister. The members of the body were to have a broad, judicial outlook and not represent particular local-government interests. They were to make a study of changes desirable in the units and areas of local government in England and Wales. Any affected local unit could request a public local inquiry. No alteration of area or status would involve the loss by any borough of its charter. General directions by the minister to the commission and parliamentary review of county or county borough alterations were to be required. Once a change in units or areas was made, no further change in the locality could be made for ten years.

The change of governments did not disturb the implementation of the

plan. Shortly after the Labor government came to power, the new Minister of Health appointed a very capable commission. Without delay, he laid before Parliament the proposed general regulations to guide the boundary commission in its work. The former minister publicly supported the proposals, and almost no disagreement over them was expressed. They specified that the governing principle in any alteration of status or boundaries was to ensure, collectively and individually, effective and convenient units of local-government administration. The factors to be taken into consideration were to include the wishes of the inhabitants; population, size, and shape of areas; financial resources; administrative record of the authorities; physical features, including suitable boundaries, means of communication, and accessibility to administrative centers and centers of business and social life; economic and industrial characteristics; anticipated development; and community of interest. Priority was to be given to boundary alteration cases of county boroughs suffering from war damage and desiring to expand beyond their areas for reconstruction purposes, and to all county and county borough matters generally.

Early in 1946 the commission began its work, and enough time has now expired to permit some review of its procedure and accomplishments. An "initiating notice" of a proposed investigation is issued to all localities concerned and to the minister after which an investigator is sent to the area to collect information and testimony. The investigator is to make no recommendations, but merely to collect data and transmit them to the commission. The latter body then issues an "outline order" containing its proposal for reorganization. Any locality may object and demand a further local inquiry. A "final order" is then issued.

In April, 1946, the commission addressed a letter to all counties and county boroughs, asking if they planned to make any boundary proposals. Eighty of 83 county boroughs and 37 of 61 county councils replied in the affirmative, and in addition 44 authorities have proposed the creation of 33 new county boroughs. The staggering task thus placed before the commission is being handled by dividing the proposals into two groups, those requiring immediate action and those of a less urgent character. Virtually no consideration has yet been given to individual county district problems.

Between May and December, 1946, some 191 conferences with local authorities were held. The technique of informal meetings and conferences with localities at the investigation stage was developed and has worked well. The boundaries of county boroughs occupied most of the commission's time during the first year. The proposals relative to these units may be grouped into three categories: (1) limited extension of county borough boundaries, in accord with past policy; (2) large extensions of county boroughs, resulting in some areas in the creation of a solid block of county boroughs (and an all-purpose authority); (3) the creation

of new county areas in urban sections within which all existing county boroughs would relinquish their county borough status, but retain a subordinate status (a two-tier system). The decisions taken up to the time of writing are confined to the first category. In numerous cases, boundaries have been extended. The commission also has announced that certain county boundaries must be changed, but definite decisions have not yet been made.

The boundary commission in its first annual report asked Parliament to abolish any distinction between the legislative and administrative powers of rural and urban districts and non-county boroughs and to abolish the names of the two types of districts (urban and rural) in favor of one name—county district.

In summary, it appears that a year or two hence the number of units of local government in England and Wales will be greatly reduced and the areas enlarged both in rural and urban sections.

II

The problem of units and areas of local government in New Zealand has been recognized by the central government for over ten years. As early as 1937, there was presented to Parliament a Local Government (Amalgamations Scheme) Bill. The situation is made acute because of the many *ad hoc* local units, the multiplicity of authorities in metropolitan areas, and the inadequate areas of some rural localities.

The most recent attempt to find a solution began in 1944, when Parliament established a select committee "to inquire into and report upon all phases of the local government system of the Dominion," including "the general structure of the system." Appointed to the group were eight members from the government side and six from the opposition. The committee members had much experience in local government, being former chairmen of county councils, mayors, borough councilmen, or members of rabbit, harbor, electric power, or hospital boards.

No sooner had the committee been established than various local-government groups demanded it be abolished. Thus the New Zealand Counties Association informed the government that it had no confidence in the body and asked for "an independent commission which will make the investigation in a manner far removed from party politics." At the 1944 municipal conference of mayors, councillors, and town clerks, a resolution was passed recommending that the select committee be abolished and a royal commission established in its place. Despite such adverse criticism, the government stood its ground.

The committee held numerous hearings throughout the Dominion, received extensive briefs from interested groups, and carried out its own research under the capable direction of F.B. Stephens. In October, 1945,

the Local Government Committee made its report;⁶ it was debated in August, 1946; and in October the Local Government Commission Act was passed, incorporating the principal recommendations of the committee relative to units and areas. Throughout this entire period, there was nearly unanimous opposition to consolidation by those units that feared they would lose their identity—small rural localities, *ad hoc* units, and suburban areas. The committee report and the parliamentary debates on the report and the Local Government Commission Act were marked by a lack of partisan cleavage, and even the bitterest critics of the appointment of a parliamentary select committee admitted that the results were better than they had expected.

Previous to the new act, consolidation or alteration of boundaries was effected, if at all, by local action. A certain percentage of electors could petition their local council to hold a referendum to determine whether the majority favored a particular plan of consolidation. If the vote were favorable, the central government could take steps to effect the merger. This procedure is similar in essence to that specified by most states in this country. And as a matter of fact, quite a few consolidations and alterations of boundaries took place in urban areas under these provisions. However, the Local Government Committee found that a number of other urban districts should have taken action; and practically no action had been taken by counties. *Ad hoc* districts needed reorganization, too. "The existing legislation merely makes provision for local reorganization. We think conditions are such as to call for more than the patching up of existing inequities. The whole system needs a complete reorganization and this cannot be carried out under existing legislation."⁷ The need, in short, was for more central control and guidance over local areas and types of units.

The committee summarized its recommendations as follows:

A. *Amalgamations.* In the districts of many territorial local authorities, the area does not correspond with the community of interest. As a consequence, in some districts, as in Auckland and Christchurch, there are several territorial local authorities administering an area which could be administered by a single responsible body. In some cases, urbanized areas of counties adjacent to boroughs should be included in the borough. In some cases, smaller counties could with advantage be amalgamated among themselves or absorbed by larger counties.

B. *Hospital Boards: Amalgamations.* There are too many hospital boards in New

⁶ The *Report of the Local Government Committee* (Wellington, Government Printer, 1945, 189 pp.) not only outlines the committee's recommendations, but also presents in some detail a description of the historical background and present structure of local government in New Zealand. The contents of the report, as well as developments leading to the passage of the act, have been summarized in various biweekly issues of *Board and Council* (New Zealand) since 1944.

⁷ Local Government Committee, *Report*, p. 150.

Zealand at the present time. We recommend that steps be taken at a very early date to reduce considerably the number of hospital boards. . . .

C. Electric Power Boards: Amalgamations. Some electric power districts are too small to operate as efficient units, and should be amalgamated with larger boards.

D. Electricity Undertakings of Boroughs. In some cases, small territorial local authorities are operating electric power distribution. These could be more effectively administered by a larger power board to include these urban areas.

E. Rabbit Boards. While there may be a case for the retention of some of the larger rabbit boards, we think that in general the problem of rabbit destruction should be the responsibility of the county councils. . . .

F. Drainage and River Boards. While there may be a case for the retention of large drainage and river boards the territories of which extend beyond the territory of one county, yet in general we think that land drainage and river protection should be made the responsibility of the county councils. . . .

G. Harbour Boards. There is a pressing need for a thorough overhaul of the whole position of the harbour facilities of the Dominion, particularly as to the smaller ports. There is some evidence that there should be some readjustment of the boundaries of harbour districts. . . .

J. We therefore recommend that a *permanent Local Government Commission* be set up, which shall consist of three salaried members, the chairman to have the status of a judge of the supreme court; one member to be appointed by the Government because of his knowledge of local government, and the third member to be appointed from a list of nominees submitted by the various national associations of local bodies. The commission should have the responsibility of carrying out a survey of the problem of area and function of all local authorities in the Dominion, and of drawing up schemes for reorganization. The commission should not only deal with amalgamation of like bodies, but also with the absorption of internal bodies, such as rabbit, drainage, and fire boards, by the territorial local authority, and, generally, with the area and functions of local bodies in the Dominion.

We recommend that when such a commission is set up the problems of Auckland, Christchurch, and of hospital boards should be among the first to be dealt with.

The commission is to be responsible to Parliament. Its reports are to lie on the table of the House for thirty days, and if not objected to, to become law. If objected to by a local body through its members of Parliament, the specific questions under discussion should be submitted to a committee of the house, which would have the right, if necessary, to amend the report in any particular. Once the report is adopted by the house, it should become law.

. . . It is not considered that statutory action will be necessary in every case of reorganization if adequate powers are given to the commission.

We do not consider that a poll of ratepayers should be required subsequent to the findings of the commission.⁸

The committee's proposal that a commission be established was reached without any knowledge that a somewhat similar plan was being implemented in England and Wales. That such was the case was soon discovered, and this fact helped to strengthen the committee's hand.

In the parliamentary debate on the report, there was general agreement that some problem of units and areas existed and that the principle of a local-government commission was sound. Two points were especially criticized—the proposal that there be no local referendum on a plan of

⁸ *Ibid.*, pp. 179–180.

reorganization and that a committee of the house be an appeal body which might have to hear over again all the evidence presented to the commission. Local authorities agreed with these observations and added another—local government should have more representation on the commission.

As presented to Parliament, the Local Government Commission Bill embodied the committee's recommendations as to the creation and scope of powers of the commission. The commission was "to review from time to time the functions and districts of local authorities and to inquire into proposals and prepare schemes for reorganization thereof," such schemes might cover all types of boundary alteration and consolidation or abolition of units. The commission could act on its own motion or at the request of a locality or the minister. It was to give one month's notice of an investigation and upon completion of the inquiry was to draw up a proposal. Interested and affected parties were to be given one month to register their objections or comments with the commission concerning its proposed scheme, and then the commission could take its final action.

The bill deviated in two respects from the recommendations of the committee. A referendum could be taken on the commission's proposals if they involved the union, abolition, or merger of any county, borough, or town district. The commission itself could order a poll, or fifteen per cent (this was later changed to twenty per cent) of the electors of any unit affected could petition for a referendum within a month. A majority of those voting on the issue was required to give effect to the commission's decision.

The original bill provided that if the commission was considering matters of concern to a type of local-government unit that was not represented on the body, the appropriate local-government association would have the right to nominate a representative to sit with the commission and give it advice. This clause was dropped, however, and the number of members of the commission was increased to four—one to have the status of a judge, one to be appointed by the government for his knowledge of local government, and two to be elected from a list of nominees from the various local-government associations (one rural and one urban representative).

In this form, the bill was enacted into law. The associations that have been designated as nominating groups for two of the four commission members are the Municipal Counties, Electric Power Boards, Harbour Boards, and Hospital Boards Associations. In the spring of 1947, the commission was formally appointed.

III

Twelve years of interest and progress in adjusting units and areas to the needs of the time have resulted in a rational system of general local units of government and school districts in Alberta. The province has a one-tier

system of general-purpose localities with three types of urban units—cities, towns, and villages—and two types of rural units—rural municipalities and improvement districts. Improvement districts are not units of self-government, however, and are to be found in the sparsely settled areas of the province. The principal unit of rural local government, the municipality, was originally designed to cover 72 square miles, and the stipulated area was progressively increased to 216 square miles in 1907 and 324 in 1912. During the next thirty years, very few changes occurred in the areas of these localities.

The impact of the depression of the 1930's brought the problem of units and areas to the fore in Alberta. It was in 1931 that the annual convention of the Association of Municipal Districts passed a resolution favoring the establishment of a county system. During the next year, the government worked with the association in preparing a tentative plan, but a majority of the delegates present at the following convention did not support the proposal. After the establishment of the first enlarged school districts in 1937, the provincial Department of Municipal Affairs again studied the adequacy of the existing units of local government. The results were amendments to the Municipal District Act in 1938 and 1941 permitting the Minister of Municipal Affairs by order to direct "that any or any part or parts of any municipal districts or improvement districts shall be merged into one municipal district . . . and thereupon the then existing councils of each . . . shall be dissolved and . . . the new district shall . . . be administered by one council consisting of such number of persons elected or appointed in such manner as the Minister may prescribe."⁹ The minister's decision is final on all matters concerning the merger, including even the apportionment of property, rights, and liabilities. Previous to these amendments, no provisions for consolidation of municipal districts existed, although the minister was authorized to create rural municipalities and to alter their boundaries and the cabinet could abolish a unit.

The Department of Municipal Affairs proceeded to launch an educational campaign designed to acquaint local citizens and officials with the objectives of the program and to secure their support if possible. Pamphlets, hearings, speeches, and research were used. By the early part of 1947, the 143 rural municipalities had been reduced to 57, and the department still anticipated setting up more enlarged districts in the next year or two (see Table I). Most of the enlarged districts included from 36 to 45 townships, as compared with a previous average of nine for the smaller units.

The Department of Municipal Affairs "is satisfied that the establish-

⁹ *Alberta Revised Statutes, 1942*, Municipal District Act, Part 3, Sec. 17a(1).

ment of enlarged municipal districts has had a beneficial effect with respect to local government in each instance wherein the larger district has been created."¹⁰ The improvement is very noticeable in the quality of local office management, especially in accounting, statistical, and recording activities. Highway and road construction has been bettered, since the larger units can afford to purchase better equipment and can use it longer each year than smaller units. Lower administrative costs or tax rates have not been forthcoming. After the initial cost of installing new equipment

TABLE I
NUMBER OF RURAL MUNICIPAL DISTRICTS IN ALBERTA,
BY SELECTED YEARS

<i>Type of District</i>	<i>Year</i>		
	<i>1941</i>	<i>1944</i>	<i>1947</i>
<i>Total</i>	143	60	57
<i>Small</i>	143	20	15
<i>Enlarged</i>	—	40	42

Sources: *Annual Report*, Alberta Department of Municipal Affairs, 1941 and 1944; department letter to author, Apr. 10, 1947.

and procedures has been met, these may be attained. The picture is further complicated by the fact that administrative costs have risen in all types of units during the last five years. The most that can be said in regard to costs is that no definite conclusions can yet be drawn. It is significant that the general public and local officials seem agreed that the larger units are a success.

The depression of the thirties underlined the inadequacy of small school districts also. As early as 1934, a select committee of Parliament investigated school finances. Effective action was not forthcoming until 1936 after a change in governments. A school division amendment to the school act was passed providing: "Where the conditions prevailing are such that it appears advisable in the interests of education so to do, or if it is so requested by the boards of trustees of the majority of school districts in a proposed division, the Minister [of Education] may by order constitute a school division consisting of any number of rural public school districts not being districts wholly or partially in a consolidated district."¹¹ The Minister of Education was also given power to include in or transfer or exclude from divisions any public school districts. A school division board

¹⁰ Department letter to author, Apr. 10, 1947.

¹¹ *Alberta Revised Statutes, 1942*, School Act, Ch. 175, Sec. 251(1).

can enter into agreement with the board of any town, village, consolidated or separate school district for inclusion in the division. A vote on such inclusion may be demanded upon petition of twenty-five per cent of the voters.

Previous to the new law, minor school-boundary changes were effected by ministerial order and abolition of districts by cabinet decision. Consolidation was possible by local vote and ministry approval or to a limited extent only by ministerial order under certain circumstances. Complete consolidation differs from the new division procedure not only in the latter's not permitting local referenda, but also in the fact that districts within a division are not abolished. Both division and district boards are elected, but the latter have merely advisory rôles to play except with respect to certain matters concerning school property. Local education policy in all respects is determined by the division board.

Without delay, the Department of Education began an investigation of rural school districts, resulting in the first nine divisions being established in January, 1937. Ten years later, school divisions covered nearly all rural populated territory and considerable urban area. Non-rural school districts are still seeking inclusion in divisions. As indicated in Table II,

TABLE II
NUMBER OF SCHOOL DISTRICTS IN ALBERTA, 1934 AND 1947

<i>Type of District</i>	<i>Year</i>	
	<i>1934</i>	<i>1947</i>
<i>Total</i>	3,502	214
<i>Rural</i>	3,219	27*
<i>Separate</i>	18	21
<i>Village</i>	127	48
<i>Consolidated</i>	63	25
<i>Rural High</i>	16	—
<i>Towns and Cities</i>	59	37
<i>Divisions</i>	—	56

* 27 not included in divisions; 4,785 are so included.

Source: Alberta Department of Education, letter to author, May 12, 1947.

the number of policy-deciding school units has been reduced from 3,502 to 214 in just over a decade. About the only rural school district areas not included in divisions now are those that are isolated, e.g., those in national parks, mining camps, and settlements along the rivers in the extreme northern part of the province.

The department claims that three principal beneficial results have been

attained. (1) Selection, placing, and prompt payment of teachers have been made by divisional boards instead of by trustees of small rural school districts. (2) Taxation rates have been levelled within each division. (3) Extensive conveyance and centralization plans have been adopted so that in general very young pupils attend a local school or are conveyed a short distance, obtaining graded school facilities. Older pupils are conveyed to central schools having several teachers, better qualified, and more highly specialized.¹²

Ideal developments were hampered by war-created phenomena such as teacher shortages; but most divisions have made good progress in providing transportation or dormitories (the latter for high school students living at a great distance), departmentalizing, reducing the number of small one- and two-room high schools, creating more flexible high school curricula, and even hiring travelling specialists in music, primary supervision, or home economics. Public opinion is strongly in favor of the new system despite the fact that school tax rates have been increased in areas of large and highly assessed grain farms with sparse population and very few children. There has been some seasonal difficulty in operating school buses and some loss of autonomy by very small districts, but neither of these factors has aroused opposition to the division plan.

Alberta's neighbor to the East, Saskatchewan, has taken effective action relative to its school districts also. In 1940, Parliament passed legislation enabling school district residents to petition for an election on the question of establishing a school division. It was soon evident that stronger legislation was required permitting some central initiative. In 1944, the Larger School Units Act was passed permitting the minister to create larger units, equivalent in most respects to Alberta's school divisions, the component districts still maintaining their identity with advisory powers and some jurisdiction over the physical plant of the school. Three chief differences are to be found between the Alberta and Saskatchewan plans. The latter specifies that the enlarged units shall consist "in each case of such number of rural or rural and village public school districts as employ approximately eighty teachers."¹³ Since most of these school units employ but one teacher, the result is that almost all enlarged units in Saskatchewan are of approximately 80 school districts. A second difference is that in the latter's act it is provided that either the minister through the cabinet or 20 per cent of the voters by a petition can require a referendum to be taken in the proposed unit on the question of its establishment. A majority of those voting on the issue in the entire

¹² Department letter to author, May 12, 1947. For an account of the experiences of one division since its establishment, see *Ten Years of the Foremost School Division No. 3* (Foremost, Alberta, 1947), pp. 1-19.

¹³ Larger School Units Act, Sec. 3(1).

proposed unit is required. Thirdly, the enlarged unit school board is not directly elected by the voters as in Alberta. Instead, the individual school district trustees send delegates to a subdistrict meeting of the enlarged unit which nominates or elects the subdistrict's member for the enlarged school board.

The Provincial Department of Education has conducted a widespread campaign to acquaint citizens with the advantages of enlarged units. The campaign has borne fruit, since previously some 5,000 local school districts averaging 20 square miles in area existed, whereas now over 3,500 of them have been grouped into 45 operating enlarged units. Fifteen other units have been proposed by the department. The advantages claimed for the enlarged units are essentially the same as those for the divisions in Alberta. In 1946, it was found that many improved special services had been effected—health programs, high school facilities, teacher aids, libraries, and building programs. Important savings were reported through the purchase of supplies in bulk. Of 42 units in 1942, 26 considered their relations with district boards as cordial, 16 from unsatisfactory to good. The attitude of ratepayers was becoming more favorable to the enlarged units in 26 cases, while 16 reported that insufficient time had elapsed for such an estimate to be made.

Within a few months, it is possible that Saskatchewan may accomplish much in the way of reorganizing its general-purpose rural units of government. As in Alberta, general-purpose units are the cities, towns, and villages in urban areas and the rural municipality in rural areas (plus improvement districts in non-self-governing sections). In 1944, a committee was appointed to study the reorganization of rural government. Its chairman was a professor at the University of Saskatchewan, and it included two municipal officials, the secretary of the United Farmers of Canada (Saskatchewan section), and an official of the soils department of the University. Together with three technical advisers, the committee has held open hearings, received briefs from interested parties, including the Association of Rural Municipalities, and conducted research, including an inquiry into Alberta's experience with enlarged rural municipalities. At the present time, there is a cumbersome procedure for merging rural localities that requires local approval by the voters of each existing municipality. The Minister of Municipal Affairs may by order alter boundaries of these units, and the cabinet may abolish them. This time-consuming process and its attendant publicity have brought the problem of rural municipal reorganization to the minds of officials and citizens. Rural local officials in general have taken stands opposing general reorganization of the areas of their units. Local readjustment may be necessary, but no further action should be taken unless definite proof is available that it will help maintain and strengthen local government—a result

which the local officials doubt would be attained. The government is now awaiting the committee's report, and it is probable that some action will be taken to implement recommendations made.

IV

The experiences of England and Wales, New Zealand, Alberta, and Saskatchewan in adjusting the units and areas of local government do not contribute materially to a solution of the problem of finding the ideal system. It was their very inability or reluctance to find such an ideal that forced the first two central governments to establish commissions with jurisdiction over the problem. It is true that in all of these instances the tendency is toward larger units of local government, both in urban and in rural areas, and we may conclude that the ideal is in the direction of larger units. But answers to such fundamental questions as a one-tier versus a two-tier system, the proper rôle of *ad hoc* units, and the ideal size of general-purpose units under present conditions have not been reached. Many political scientists have considered it an axiom that a one-tier system of local units is best. There is no clear tendency in this direction in these jurisdictions. As a matter of fact, several "federalist," or two-tier, arrangements have been established or proposed, as exemplified by the school divisions in Alberta, the enlarged school units of Saskatchewan, and at least one proposal in an urban area in England.

The inability to find an ideal solution may be due to the fact that there is no one panacea. It is certainly true that the experiences of these central governments prove that one sweeping reform of local units and areas is not the answer. A continuous alteration of boundaries is necessary as conditions change. In the case of all four of the jurisdictions examined, one or more extensive adjustments of local units and areas were made in quite recent years before the present attempt. Yet the lack of an adequate procedure for currently adjusting local units helped to force action by all four of the central governments during the last few years.

Certain procedures have not been successful. The granting of powers to counties to change boundaries within their areas proved inadequate in England and Wales. Parliamentary action on most specific cases of boundary or unit alteration was abandoned in England and Wales, as was cabinet decision in certain instances in Alberta and Saskatchewan. Modern parliaments and cabinets are too preoccupied with matters of larger concern to give proper attention to these matters; they also function better in considering more general issues. Local initiative in proposing boundary changes did not result in sufficient action in New Zealand. Not only the lack of sufficient action by particular localities, but also the possibility of inadvisable action emphasizes the need for central supervision and control over any changes made.

The search for new techniques to bring about alterations has been particularly vigorous during three recent periods. The exigencies of the depression turned officials' minds to unit and area revisions as a possible method of saving money. War-bred shortages, such as that in teacher and other personnel, brought unit and area action designed to remedy the situation in part. Postwar problems have resulted in the creation of new functions and the extension of others. The consequent adjustment of functions and finances has inevitably affected local governments. Larger areas are better able to support many services.

All of the four central governments are organized on a parliamentary basis. Perhaps this in itself is an advantageous "technique" that is not available to any of the forty-eight states. The more thorough organization and discipline of parties cannot be the sole reason for accomplishment. In no instance was the reorganization of local units and areas an issue of party conflict. Yet perhaps such organization explains the ability of the parties to withstand pressure from local authorities opposing any change. While in no instance were local officials the most vigorous exponents of reform, they frequently did not go to extreme lengths in opposing it. And after experience with the new systems, they and the general public seem to be quite satisfied. The parliamentary system probably facilitates policy leadership more than the system in vogue in American states. This is particularly true with the existence of cabinet posts that deal principally with local government. Such a department does not exist generally in this country.

The more specific methods used for a continuous reëxamination of local units and areas by the four central governments are two. Ministerial orders have been utilized in Alberta and Saskatchewan. Both England and Wales and New Zealand specifically rejected this procedure. It was felt that a more expert, impartial, judicial, non-political technique was advisable. Special permanent commissions were thus established. Each method has worked well where tried. The requirement of a voter referendum to approve boundary or unit changes exists only in two of the four jurisdictions—and in these cases in a somewhat limited form. The point of the theoretical desirability of a referendum is a difficult one and involves charges of centralism versus parochialism. An unlimited right of local referendum does somewhat disregard the obvious concern of the central government in reorganization. Yet where local referenda can be held—in Saskatchewan and New Zealand—extensive educational campaigns by the central governments have resulted, or are likely to result, in overcoming most resistance to changes. Alberta and England and Wales have also conducted educational campaigns to lessen opposition to reform. In all four cases, the usual procedure is to conduct a thorough investigation before legislation is proposed and before each particular plan for re-

organization is made. Hearings and extensive research by experts are accompanied by publicity to acquaint the local communities with the need for change.

The effects of the four attempts to alter local units and areas are evident except in New Zealand, where it is too early to determine whether the new machinery will be effective. In England and Wales, it is obvious that the number of units is being reduced and areas enlarged; but the benefits, if any, flowing from these changes cannot be assessed so quickly. In Alberta (general-purpose and school units) and Saskatchewan (school units), the larger areas and fewer units primarily have brought the rendition of better and more extensive services. Tax rates have not been reduced, although there is equalization of service as between poorer and more well-to-do areas. Personnel has been better utilized and administrative practices have been improved.

These results can be attributed to the continued growth of the public service state. Local units and areas need to be revised so that more services can be performed locally at reasonable costs. Any savings from increased efficiency are more than likely to be absorbed by the expense of additional activities.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

In the minutes of the December, 1947, meeting of the Executive Council of the American Political Science Association appeared an item as follows: "Professor Ogg at this point indicated a desire to have the Council give consideration during the years 1948-49 to the problem of securing a successor for his office. The Council accordingly created an *ad hoc* committee to explore the problem of the REVIEW and the editorship. To this committee was also referred the question of the possible publication of a separate volume of *Proceedings* in one or more numbers of the REVIEW." Acting in accordance with these votes, President Henry R. Spencer has appointed a committee as follows: V. O. Key, Jr. (*chairman*), Johns Hopkins University; Paul Appleby, Syracuse University; Robert E. Cushman, Cornell University; Robert J. Harris, Louisiana State University; Peter H. Odegard, University of California; and Benjamin F. Wright, Harvard University.

Professor Leonard D. White, of the University of Chicago, has been invested with the rank of a Commander of Leopold II by the Prince Regent of Belgium.

Associate Professor Robert H. Connery, of Stanford University, has been appointed to a full professorship at the University of Illinois and will conduct courses on public administration both on the Urbana campus and at the Springfield extension center.

At Dartmouth College, Professor Donald H. Morrison has been promoted to a full professorship and also made dean of the faculty. Professor Robert K. Carr has been elected to the Joel Parker professorship of law and political science.

Professor Taylor Cole, of Duke University, left for Berlin and Frankfurt in June to assist in the Cultural Exchange Program. His official title is Visiting Expert in Educational and Cultural Matters.

Professor D. F. Fleming, of Vanderbilt University, has been granted leave of absence for 1948-49, and will spend the year at the Institute for Advanced Study in Princeton, working on some phase of the current conflict between the great powers.

Professor Clarence A. Berdahl will be on sabbatical leave from the University of Illinois during the first semester of 1948-49 and will spend at least a portion of the time working in Washington on a number of projects (including completion of a book) in the field of political parties.

Mr. M. Henry Wells, instructor at Yale University, is spending the summer in the Philippine Islands on a research project sponsored jointly by the Institute of International Studies and the Southeast Area Program of the Division of Far Eastern and Russian Studies of the University.

Professor Lane W. Lancaster, of the University of Nebraska, will teach at Yale University during the year 1948-49 as visiting Cowles professor of American government. During the recent summer session, he taught at the University of Wisconsin.

Professor Arthur M. Wilson, of Dartmouth College, is teaching at the summer session of the State University of Iowa; Professor John W. Masland, at Columbia University; and Professor Dayton D. McKean, at the University of Colorado.

Professor Mulford Q. Sibley, of the University of Illinois, is teaching during the present summer at the University of Oklahoma, and Professor Cortez A. M. Ewing, of Oklahoma, is teaching at Illinois.

Professor John T. Salter, of the University of Wisconsin, has gone to the Philippine Islands where he will teach during the coming year in the University of the Philippines.

Professor Everett S. Brown, of the University of Michigan, is spending a part of the summer working in the Library of Congress on a monograph on bibliography and methods of research in political science, designed for later publication.

During the spring quarter, Professor H. C. Nixon was on leave from Vanderbilt University while serving as graduate professor at Emory University.

Dr. David C. Scott, who recently received his doctorate at the State University of Iowa, has been appointed associate professor at the Southwest Missouri State College.

Mr. James M. Mitchell, executive director of the Civil Service Assembly of the United States and Canada, gave a course on public personnel administration during the summer quarter at the University of Chicago.

Mr. Robert E. Lane has been appointed to an instructorship at Yale University and will teach American government and public administration.

During the recent summer session, Professor Wilfred E. Binkley, of Ohio Northern University, conducted two graduate courses at Teachers College, Columbia University.

At Syracuse University, Dr. Robert Engler has been promoted to an assistant professorship of citizenship in the Maxwell Graduate School.

Professors Martin L. Faust, of the department of political science, and Robert L. Howard, of the School of Law, at the University of Missouri have been elected to a thirteen-member commission charged with writing a home rule charter for the city of Columbia.

Professors Edward H. Buehrig, of Indiana University, and Llewellyn Pfankuchen, of the University of Wisconsin, were members of the Brookings Institution seminar on problems of United States foreign policy held at Stanford University late in June.

Professor John B. Whitton, of Princeton University, will be on leave until February, 1949, and during the summer will lecture at The Hague.

Professor Ward M. Morton, of the University of Arkansas, is teaching in the current summer session at Wayne University, and Professor G. Lowell Field, of Wayne, is reaching at the University of Arkansas.

Professor John E. Briggs, of the State University of Iowa, is teaching at the University of Colorado during the current summer session.

Dr. Russell M. Rose, who recently received his doctorate at the State University of Iowa, has been appointed an assistant professor at that institution.

Mr. S. Laird Swagert, who received his doctorate at the State University of Iowa this year, has been appointed to an assistant professorship at San José State College, San José, California. He will introduce courses in administrative law and history of political thought.

Mr. Robert Presthus, who recently received his doctorate at the University of Chicago, is teaching in the summer session of Roosevelt College of Chicago.

Professor Philip H. Taylor, of Syracuse University, served as a member of the political science staff at the University of Wisconsin during the recent summer session.

At the University of Minnesota, Dr. Asher N. Christensen has been promoted to the rank of full professor and Dr. Werner Levi to that of associate professor. Professor Christensen lectured on "An Interpretation of Political Events in Argentina: 1943-1948" in the annual Institute of Latin American Affairs held at the University of Texas on May 13, 1948.

Mr. Max Beloff, reader in political institutions at Oxford University, is occupying an honorary fellowship for the summer period at the University of Minnesota.

At the University of Nevada, Mr. Claude C. Smith, who recently received his doctorate at Stanford University, has been promoted to a full professorship in the department of history and political science.

At Rhode Island State College, Dr. John O. Stitley has been promoted to the rank of assistant professor.

During the academic year 1948-49, Dr. Russell H. Ewing will serve as visiting professor of public administration and acting head of the department of political science at Hamilton College.

At DePauw University, Dr. Harry W. Voltmer has been appointed Hall professor and head of the department of political science. Dr. Clark F. Norton, of the University of Michigan, has accepted an associate professorship and will be responsible for the courses in local government and constitutional law.

Professor Winston W. Crouch, who spent the past year on sabbatical leave with the National Institute of Public Affairs in Washington, D. C., has resumed his teaching duties at the University of California (Los Angeles).

Professor Mulford Q. Sibley, of the University of Illinois, has accepted an associate professorship at the University of Minnesota.

At the University of New Mexico, Professor Miguel Jorin has been appointed director of the School of International Affairs.

At Connecticut College, Professor Hugh A. Bone, of the University of Washington, gave courses during the first term of the recent summer session and Professor William D. Stout, of the University of Kentucky, during the second term.

Dr. J. William Robinson, of Whittier College, spent several weeks during the summer at United Nations Headquarters at Lake Success in connection with his courses in international organization.

At the University of Texas, Mr. Richard Payne and Miss Janice Christensen have been appointed to instructorships.

At the University of Illinois, Professor Clarence A. Berdahl has been succeeded as chairman of the political science department by Professor Charles M. Kneier. Professor Kneier has also been made acting director

of the Institute of Government and Public Affairs, created a year ago, and henceforth to be an adjunct of the department.

Professor John N. Hazard, of the Russian Institute of Columbia University, taught during the past summer in the Claremont Summer Session at Claremont, California, giving courses entitled "The Soviet Union and World Affairs" and "Political Institutions of the Soviet Union." Professor Thomas I. Cook, formerly of the University of Washington, was also a member of the Claremont Summer Session staff, giving courses on "The Western Tradition of Political Thought" and "Theoretical Bases of American Democracy."

Professor Charles E. Merriam, of the University of Chicago, has accepted an invitation to spend the week of March 14 to 20, 1949, in residence on the campus of Pomona College. While there, he will give three public lectures and be available for conference with students at Pomona and the Claremont Graduate School.

Dr. Richard C. Spencer, formerly governmental organization specialist in the Governments Division of the United States Bureau of the Census at Washington, has accepted a professorship at Coe College, where his duties will begin in September. During the past academic year, and also summer, Dr. Spencer was visiting professor at the University of Nebraska.

Dr. Vlas Louis Juodeika, until recently head of the political science department at St. Benedict's College, Atchison, Kansas, has been appointed associate professor at Briar Cliff College, Sioux City, Iowa. Before coming to the United States in 1946, he was OPA chief of Lithuania for five years and senior assistant professor of social economy at the State University of Lithuania.

At Rutgers University, Dr. Sidney Ratner has been promoted from assistant professor of history and political science to associate professor.

At Brown University, Dr. Guy Howard Dodge has been promoted to an associate professorship.

At the University of Pennsylvania, Dr. Philip E. Jacob has been promoted to the rank of associate professor.

During the fall term, Professor Charles A. Micaud of the University of Virginia, will give a course on French government for the School of International Affairs at Columbia University.

Drs. Comer Clay and Wilbourn E. Benton, who received their degrees at the University of Texas in June, have accepted assistant professorships

at Texas Christian University and Southern Methodist University, respectively.

At the University of Minnesota, Professor Edward W. Weidner will devote full time during the coming academic year to his work as assistant director of the Research Project in Intergovernmental Relations.

Professor Willmore Kendall, of Yale University, will teach only two-thirds time during 1948-49 to permit him to work on a study of Rousseau. He holds a Guggenheim fellowship for the project and is spending the current summer in Geneva.

Professor Howard Penniman, of Yale University, is conducting a graduate seminar this summer at the New School for Social Research, and Professor Fred V. Cahill is teaching at the University of Oregon.

In order that he may continue his service as director of the State Department's division of historical policy research, Dr. George B. Noble has resigned his professorship at Reed College. Dr. Frank Munk, who carried Professor Noble's work at Reed during the past two years, has become his permanent successor.

At the University of Missouri, Dr. Chesney Hill has been promoted to a full professorship; Dr. Robert F. Karsch, formerly of Westminster College, Fulton, Mo., has been appointed to an assistant professorship; and Mr. William N. Cassella, lately a graduate student at Harvard University, has been made an instructor.

Dr. Norman Wengert, whose doctorate, as well as a law degree, was received at the University of Wisconsin, has been appointed assistant professor at the City College of New York and will teach in the fields of legislation, public administration, and state and local government. Except for a period with the Navy, he has been with TVA since 1941, serving most recently as head of the Program Review Staff in the Chief Conservation Engineer's Office.

Dr. Julian Duncan, who has been doing research for the Interstate Commerce Commission since 1943, has accepted a professorship of economics and the chairmanship of the department at the University of New Mexico. Dr. Duncan was one of three U. S. government observers at the Pan American Railway Congress which met at Havana March 27-April 9.

Mr. Alfred H. Cope, who has been teaching at the University of Pennsylvania, will receive his doctorate at the August convocation and has accepted an assistant professorship of citizenship at Syracuse University.

The University of Illinois has appointed to an instructorship Mr. Robert E. Scott, graduate student at the University of Wisconsin. Mr. Scott will enter upon his duties at the middle of the coming year and will devote his attention principally to Latin American affairs.

During the coming academic year, Dr. J. Michael Hogopian, of the University of California (Los Angeles), will hold a visiting assistant professorship at the American University of Beirut and will offer courses in political science and history.

Professor Stephan K. Bailey, at present on leave from Wesleyan University and attached to the staff of the Washington office of the Public Administration Clearing House, has been awarded the 1948 Toppan Prize at Harvard University for the most distinguished doctoral dissertation in political science. His dissertation topic was "The Politics of Full Employment—A Study in the Formulation of a Public Policy."

Professor Harold R. Bruce, of Dartmouth College, was a member of the recent New Hampshire constitutional convention as a delegate from the town of Hanover. He piloted through the convention a new article on amendment procedure—one of eleven amendments approved in the four-week session.

At the University of Wisconsin, Professor James L. McCamy has succeeded Professor Llewellyn Pfankuchen as chairman of the political science department.

Dr. Claude E. Hawley, wartime chief of psychological warfare against Japan and more recently adviser to Mayor Bowron of Los Angeles on a decentralized plan of city government, has become director of a national clearing house of information on the social sciences lately set up in the Office of Education at Washington, D. C.

At Haverford College, Dr. Herman Somers has been appointed associate professor and chairman of the department of political science. During the past year, Dr. William F. Sollman, German minister of the interior in pre-Hitler cabinets, served as lecturer. Dr. E. Grant Meade has resigned his assistant professorship to accept a position with the Department of State.

At Pomona College, Professor Luther J. Lee has been named assistant to the president, and, beginning in September, will give the bulk of his time to public relations work. He, however, will continue to give his course on American constitutional law. Messrs. Gregory B. Wolfe, of the Fletcher School of Law and Diplomacy, and Edward H. Lombard, of the Univer-

sity of Chicago, have accepted instructorships in the department of government.

At Marshall College, Dr. Paul D. Stewart, formerly of the University of Nebraska, has been appointed assistant professor, and Dr. A. Harris, a member of the political science department, has been made dean of the newly established graduate school. Professor M. G. Burnside has received the Democratic nomination for Congress from the Fourth West Virginia District, and Professor Conley H. Dillon has been teaching at the University of Florida during the second summer session.

Dr. William B. Ballis, formerly chief of the Eastern European Branch of the Division of Research for Europe, Department of State, is joining the faculty of the University of Washington as professor of Russian government and politics in the Far Eastern department. He also will teach courses on Soviet political institutions and Soviet foreign relations in the department of political science. During the spring, Dr. Ballis was in Europe for the Department of State, and during the summer he has been doing research under a fellowship from the Rockefeller Foundation.

President Edmund E. Day has announced establishment at Cornell University of the Myron Taylor Lectures on Foreign Affairs for the consideration of "The United States and Current Problems of World Order." The lectures—twelve in number—will be given during 1948-49, and are made possible by a substantial gift from Mr. Taylor, Cornell alumnus and personal representative of President Truman to His Holiness, the Pope, with the title of ambassador.

Professor Roy V. Peel, of Indiana University, has been appointed a member of the city planning commission of Bloomington, Indiana; Dean Pressly S. Sikes has been made a member of the board of zoning appeals in the same city; and Professor W. Richard Lomax spent two weeks in June on a special personnel assignment with the Department of the Navy in Washington, D. C.

Teaching appointments have been accepted by graduate students at the University of Illinois as follows: A. L. Bennett, as assistant professor at Michigan State College; Frank Grace, as instructor at the University of Michigan; J. H. Millett, as instructor at the University of Rochester; and L. C. Stine, as assistant professor at James Millikin University.

Teaching appointments have been accepted by graduate students at the State University of Iowa as follows: Lawrence E. Dennis, as associate professor at Kansas State College; Kenneth F. Millsap, as assistant pro-

fessor at Michigan State College; and James C. Lien, as instructor at the University of California (Los Angeles).

During the first half of the current summer session, the department of political science at the University of Washington had the services of Professors Bryce Wood, of Swarthmore College, and James T. Watkins, of Stanford University; and during the second half, Professor George A. Finch, of Georgetown University.

Professor Walter R. Sharp, chairman of the department of government at the City College of New York, was recently appointed director of a new project which UNESCO is inaugurating with a view to organizing studies of practical problems of international collaboration by social scientists in various countries. Dr. Sharp is spending the summer in Paris for the purpose of initiating plans for this undertaking. Since the fall of 1946, he has served as administrative consultant to the Interim Commission of the World Health Organization, acting in this capacity as staff secretary for three of its sessions in Geneva. While on sabbatical leave during the spring semester, Dr. Sharp also directed the field research for a monograph on the coordination of United Nations economic and social policy which was published in July under the auspices of the Carnegie Endowment for International Peace.

For a study of problems involved in using social science data and techniques in the solution of government and industrial problems, the Carnegie Corporation of New York has made a grant of \$19,000 to Columbia University. Dr. Robert Merton, of the Bureau of Applied Social Research, will conduct intensive interviews with social scientists, government officials, and industrialists to determine the most common problems in the relatively new field of applied social science. The resulting report is expected to be available in about eighteen months.

Columbia University has received from the Carnegie Corporation of New York a grant of \$150,000, payable over a five-year period, toward support of an Institute of European Studies, designed to develop a graduate-level program of teaching and research. The Institute's director will be Professor Grayson L. Kirk, and work is expected to start in the autumn of 1949, simultaneously with the opening of a similar Institute in the East-Asian field.

The Carnegie Corporation of New York has made a grant of \$60,000 to Princeton University, payable over a period of four years, for study of contemporary national and international problems in the School of Public and International Affairs. In an effort to provide more realistic training

for its graduate students, and at the same time to be of maximum assistance to the federal government, the School plans to set up a series of research projects, each focused on a particular problem of concern to one or several government agencies. Advisory groups will include government and, when appropriate, industrial representatives.

A graduate Program of Studies in United Nations and World Affairs has been instituted at New York University, beginning in September, 1948, with Professor Clyde Eagleton as director. The program is intended to meet the needs of those who wish to study the United Nations close at hand, or are members of the staff of the Secretariat or of Delegations to the United Nations. Schedules of study combining courses from the various departments and schools of the University have been arranged in international relations, international law, international economics, international administration, the United Nations, and intercultural relations. Special schedules will be prepared to meet the special needs of students.

All of the investigative projects contemplated by the Commission on the Organization of the Executive Branch of the Government have now been organized. The full list is as follows: (1) Office of the President and Its Relation to the Departments and Agencies, (2) Post Office Department, (3) Federal Supply, (4) Transportation, (5) Veterans Affairs, (6) Public Welfare, (7) Fiscal, Budgeting, and Accounting, (8) Federal-State Relationships, (9) Public Works, (10) Federal Field Offices, (11) Revolving Fund and Business Enterprises of the Government other than Lending (12) Lending Agencies, (13) Federal Personnel Management, (14) Foreign Affairs, (15) Natural Resources, (16) Regulatory Agencies, (17) Agricultural Activities, (18) Public Relations Activities, (19) Medical Services, (20) Indian Affairs, (21) Government Statistical Services, (22) Records Management.

A five-year apprentice training program in city management will be started this fall at the University of Kansas with the aid of a \$50,000 grant by the Carnegie Corporation of New York. This grant—to be utilized at the rate of \$10,000 a year—is the largest ever received by the University for a political science project. The program will be directed by Professor E. O. Stene, and will be of eighteen months duration for each of the six graduate students accepted yearly. The first half will consist of on-campus course study; the second, of off-campus internships in city government; and the course will lead to a master's degree and a certificate in public administration. During his internship, each trainee will serve as assistant to a city manager or in a major department of a large city, and his duties will be rotated to acquaint him with all phases of city administration.

The Carnegie Corporation of New York has granted the sum of \$25,000 to the University of Washington for the establishment of fellowships in its Institute of Public Affairs. This Institute is both a training center and a source of technical assistance for the various state government departments. Its training is aimed at professional preparation for public administration rather than at the development of teachers or research specialists. The University plans to award fellowships in public administration to men not only from the state of Washington but also from neighboring states and Alaska.

The Washington chapter of the American Political Science Association closed a successful season with a dinner meeting held in the Whittall Pavilion, Library of Congress, on May 27, at which William Y. Elliott spoke on the topic: "After ERP—What?" About seventy-five persons attended. The season opened with a smoker at which Ferdinand Kuhn, of the *Washington Post*, discussed the Marshall Plan. Regular monthly meetings were suspended during December and January, because the annual meeting of the Association was held in Washington. At succeeding monthly meetings, the chapter heard Senator Elbert D. Thomas, of Utah, on the President's civil rights program; Owen Lattimore, of the Walter Hines Page School of International Relations at Johns Hopkins University, on the United States and China; and a very distinguished panel discussing the implications and significance of the Report of the President's Commission on Higher Education. Officers elected for 1948-49 are: Ernest S. Griffith, Library of Congress, president; Reverend Gerald F. Yates, S. J., Georgetown University, first vice-president; William L. Reno, American University, second vice-president; Elwyn A. Mauck, University of Maryland, council member.

A Second Annual Conference on Governmental Problems was held at the University of Utah on June 28-29. The first day was devoted to "The Role of American Government in Contributing to World Order," and the second to "Problems in Utah Government and Politics." Professor G. Homer Durham served as director, and Professors Frank H. Jonas and Franz B. Schick were among persons participating prominently in the program. A Labor Institute, held on June 25-26, was also under the chairmanship of Professor Durham.

At the University of California (Los Angeles), Dr. Russell H. Fitzgibbon, recently promoted to a full professorship, has succeeded Professor H. Arthur Steiner as chairman of the department of political science. Professor Fitzgibbon has also been made chairman of the committee on Latin American studies, now administering an undergraduate curriculum which will shortly be extended to include a graduate program. Professor Steiner

will be on sabbatical leave during 1948-49 and expects to engage in research on Chinese government and politics.

The Southern California Political Scientists, an informal association of those in southern California who teach or have professional interest in political science, held their first summer meeting on the campus of the University of California at Los Angeles on the evening of July 9, with approximately one hundred persons in attendance. Informal after-dinner discussion was stimulated by remarks of Professors Herman Finer, of the University of Chicago, and John N. Hazard, of Columbia University. The Southern California Political Scientists consider themselves unique in that they have been "organized" without benefit of constitution, by-laws, officers, dues, or organizational impedimenta of any type.

The Far Eastern Association, Inc., which has published the *Far Eastern Quarterly* since 1941, was reorganized on April 2, 1948, at a meeting in New York City attended by some two hundred enthusiastic Far Easterners into an active, scholarly, non-political, and non-profit professional association of the traditional American learned society type. Its objectives are (1) to unite all persons interested in the study of the Far East, (2) to promote Far Eastern studies, (3) to provide means for the publication of scholarly research and bibliographical material through the *Far Eastern Quarterly*, an annual *Far Eastern Bibliography*, and a monograph series, (4) to promote coöperative activities and the exchange of information between American and Canadian scholars and organizations interested in the Far East and those in other countries through the "Notes and News" section of the *Quarterly* and by other means, and (5) to hold annual (and perhaps regional) meetings with scholarly papers and discussion sessions. The officers are: Arthur W. Hummel, Library of Congress, president; Robert B. Hall, University of Michigan, vice-president; Wilma Fairbank, secretary; Hugh Borton, Columbia University, treasurer; Earl H. Pritchard, University of Chicago, editor of the *Quarterly*; John K. Fairbank, Harvard University, editor of *Monographs*; and nine directors. Annual dues are \$6.00. Requests for information and membership applications should be addressed to Wilma Fairbank, 41 Winthrop Street, Cambridge, Massachusetts.

In 1941, the Library of Congress and the University of North Carolina initiated a program of microfilming the official records of the states. Since that time, the plan has undergone considerable expansion in the range of subject-matter encompassed, making proper an alteration in the project's official style. Some 280 rolls of microfilm, consisting primarily of the proceedings of legislative assemblies, along with some closely allied records, were edited and made available for use late in 1942 under the Legislative

Journals Microfilm Project. The project was resumed in 1946 for a two-year period under the new name of Legislative Documents Microfilm Project, adopted in order to take cognizance of the inclusion in the project of two additional series of state documents: Session Laws and Statutes, and Collected Public Documents (issued by authority of the legislatures). During the two years that the renewed project has been pursued, additional lines of expansion have developed and new fields of subject-matter have been covered. The core of the project is now made up of a number of segments, each to be arranged on the film so as to be separable from the main body of it. These segments contain the regular series of documents issued and records kept by each of the divisions of state government. Surrounding each of these segments is a peripheral miscellany of documents, issued occasionally outside of the regular and systematic series. In kind, the materials now encompassed by the various segments of the microfilms may be classified as legislative, statutory, constitutional, executive, administrative, and judicial. The descriptive name of the project, therefore, is now "The State Documents Microfilm Project," and the style of the films to be edited is "The State Documents Microfilms." A full mimeographed progress survey may be obtained from the director, W. S. Jenkins, Box 836, Chapel Hill, N. C.

DOCTORAL DISSERTATIONS IN POLITICAL SCIENCE

IN PREPARATION AT AMERICAN UNIVERSITIES¹

COMPILED BY DAVID FELLMAN

University of Wisconsin

POLITICAL PHILOSOPHY AND PSYCHOLOGY

John T. Amendt; B.S., Loyola University of Los Angeles, 1946. The Effect of Humanism on Political Thinking in America after the Civil War. *Georgetown*.

Thornton H. Anderson; A.B., Kentucky, 1937; A.M., *ibid.*, 1938. Brooks Adams—Constructive Conservative. *Wisconsin*.

William M. Barr; Litt.B., Rutgers, 1928; A.M., Columbia, 1936. The Philosophy of Woodrow Wilson. *Columbia*.

¹ Similar lists have been printed in the REVIEW as follows: V, 456 (1911); VI, 464 (1912); VII, 689 (1913); VIII, 488 (1914); XIV, 155 (1920); XVI, 497 (1922); XIX, 171 (1925); XX, 660 (1926); XXI, 645 (1927); XXII, 736 (1928); XXIII, 795 (1929); XXIV, 799 (1930); XXV, 798 (1931); XXVI, 769 (1932); XXVII, 680 (1933); XXVIII, 766 (1934); XXIX, 713 (1935); XXX, 811 (1936); XXXI, 722 (1937); XXXII, 796 (1938); XXXIII, 732 (1939); XXXIV, 767 (1940); XXXV, 752 (1941); XXXVI, 734 (1942); XXXVII, 706 (1943); XXXVIII, 766 (1944); XXXIX, 779 (1945); XL, 775 (1946); XLI, 754 (1947).

Items which appeared in the August, 1947, list are in general classified under the same headings in the present list, and new items have been assimilated to the 1947 classification as far as possible. In cases where classification of an item has been suggested by the institution concerned, the suggestion has been followed. Each item is listed under one classification only. Names starred are merely carried over from the 1947 list, no more recent data having been received.

The lists printed in the REVIEW are based on information from departments giving graduate instruction in political science. Often dissertations are in progress in departments of economics, history, sociology, etc., which overlap or supplement dissertations in preparation in political science. Attention is called especially to the following lists: "Check List of Current Researches in Public Administration Reported to the Committee on Public Administration, Social Science Research Council" (mimeographed, most recent edition, January, 1943); "Doctoral Dissertations in Political Economy in Progress in American Colleges and Universities," in the *American Economic Review*; "List of Doctoral Dissertations in History Now in Progress," formerly published by the Division of Historical Research, Carnegie Institution of Washington, but since the 1938 issue as a supplement to the *American Historical Review*; and "Higher Degrees in Sociology," in the *American Journal of Sociology*. Usually one list is published each year. These are in addition to the "List of American Doctoral Dissertations Printed in 1938," the most recent of an annual series published by the Library of Congress; and Edward A. Henry's "Doctoral Dissertations Accepted by American Universities, 1946-1947," the fourteenth of a series beginning in 1933-34, compiled for the Association of Research Libraries. Consult, for other lists, T. R. Palfrey and H. E. Coleman, Jr. "Guide to Bibliographies of Theses, United States and Canada" (Chicago, American Library Association, 2nd ed., 1940).

- Ross Crates Beiler; A.B., Allegheny, 1937; A.M., Iowa, 1940. A Political Content-Response Analysis of Magazine Articles on the U.S.S.R. *Iowa*.
- George Cochrane Bryan; A.B., Williams, 1942. Ideas of Leadership in American Political Thought. *Harvard*.
- Warner O. Chapman; A.B., Virginia, 1941. The Political Theory of James Madison. *Virginia*.
- Thomas Albert Corbett; A.B., St. Marys of the Springs College, 1935; A.M., Ohio State, 1936. The Masses and the International Community. *Catholic University*.
- Raymond Francis Cour, C.S.C.; A.B., Notre Dame, 1937; A.M., *ibid.*, 1943. Catholic Action and Politics. *Notre Dame*.
- Charles Sebastian La Cugna; A.B., Manhattan, 1937; A.M., Fordham, 1944. The Political Thought of Don Luigi Sturzo. *Notre Dame*.
- Richard Eugene Curl; A.B., Ohio State, 1939; A.M., *ibid.* 1940. The Impact of War on Government Publicity. *Princeton*.
- Harry Rex Davis; A.B., Texas Christian, 1942. The Political Philosophy of Reinhold Niebuhr. *Chicago*.
- Howard E. Dean; A.B., U.C.L.A., 1939. A Critique of the Political Philosophy of Walter Lippmann. *Columbia*.
- Alfred DeGrazia; A.B., Chicago, 1939. American Ideas on Representation. *Chicago*.
- Lawrence Edward Dennis; A.B., Iowa State Teachers College, 1940; A.M., Minnesota, 1942. A Handbook for the Study of Public Affairs. *Iowa*.
- Susan H. Devine; A.B., Kansas City, 1938; A.M., *ibid.*, 1940. The Political and Social Philosophy of Herbert Hoover. *Pennsylvania*.
- Karl Wolfgang Deutsch; Dr. of Law and Political Science, Prague, 1938; A.M., Harvard, 1941. The Economic Factor in Nationalism; A Technique of Enquiry Applied to Some Successors of Central Europe. *Harvard*.
- Thelma A. Dreis; B.S., Minnesota, 1923; A.M., *ibid.*, 1930. A Study of the Public Opinion Poll as an Instrument in Administration, with Special Reference to Food and Nutrition Polls. *American*.
- Leslie W. Dunbar; A.M., Cornell, 1946. The Political Theory of T. H. Green. *Cornell*.
- Emily L. Ehle; A.B., Smith, 1934; A.M., Pennsylvania, 1939. Leadership in America; A Study of Identification and Acceptance Among Specialized Groups. *Pennsylvania*.
- Dominic Elder, C.S.C.; A.B., Notre Dame, 1936; A.M., *ibid.*, 1942. Thomas Paine and his Philosophy of the Common Man. *Notre Dame*.
- Dorothy L. Fields; A.B., Texas, 1945; A.M., *ibid.*, 1946. Comparison of Influence on Our Government of the Political Philosophy of James Wilson, Oliver Ellsworth, and Luther Martin. *Columbia*.
- Samuel Fox; Ph.B., Chicago, 1924. Majority Rule and Minority Representation as Provided by the Electoral System of the Limited Vote. *Notre Dame*.
- Sergio Funaro; A.M., Columbia, 1946. The Political Philosophy of Tommaso Campanella. *Columbia*.
- Robert O. Gibbon; A.B., Kansas, 1943; A.M., *ibid.*, 1945. The Relation of the State to the Economic Order in Greek and Roman Political Thought; A Study of Greek and Roman Political Thinkers. *Minnesota*.
- Frank Grace; A.B., Vanderbilt, 1939; A.M., Louisiana, 1940. The Concept of Property in Modern Christian Thought. *Illinois*.
- Oscar Aaron Grant; A.B., Hardin-Simmons, 1939. Evolution of the American Concept of Political Democracy, 1607-1830. *Georgetown*.
- Alan Pendleton Grimes; A.B., North Carolina, 1941; A.M., *ibid.*, 1946. The *Nation* Magazine; A Case Study in the Development of American Political Liberalism. *North Carolina*.

- Norman B. Hannah*; A.B., Illinois, 1941; A.M., Louisiana State, 1943. The Purpose of the State in Greek Political Theory. *Minnesota*.
- Max M. Kampelman*; A.B., N.Y.U., 1940; LL.B., *ibid.*, 1945; A.M., Minnesota, 1946. The Political Philosophy of the C.I.O. *Minnesota*.
- Virginia E. Hiltchcock*; A.B., New Mexico, 1944; A.M., *ibid.*, 1944. The Political Implications of the Works of American Anthropologists. *California*.
- Howard L. Jamison*; A.B., Hamilton, 1945; A.M., Harvard, 1947. A Study in the Methodology of the Social Sciences: Mill and Dewey. *Harvard*.
- Ralph John*; A.B., Berea, 1941; S.T.B., Boston University, 1944; S.T.M., *ibid.*, 1945. Apostolic Succession as a Principle of Organization in Church Administration. *American*.
- Cecilia Marie Kenyon*; A.B., Oberlin, 1943; A.M., Radcliffe, 1945. Human Nature in American Political Thought. *Radcliffe*.
- George Alexander King, S.J.*; A.B., Boston College, 1931; A.M., *ibid.*, 1932. The Political and Social Theory of Theodore Dwight Woolsey. *Georgetown*.
- Mary H. Kirsten*; A.B., Wisconsin, 1935. The Syndicated Commentators. *Chicago*.
- Maurice J. Klain*; A.B., University of Omaha, 1940; A.M., Oberlin, 1941. The Small Property Owner as the Basis of a Free Society; Recent Exponents of a Jeffersonian Tradition. *Yale*.
- Fred Krinsky*; A.B., Brooklyn 1944; A.M., Pennsylvania, 1946. Zionism and Palestine; A Study of the Renascent Jewish Nationalism. *Pennsylvania*.
- Bernard Kronick*; A.B., California, 1937. Political Ideas of Winston Churchill. *California*.
- George A. Lanyi*; B.Sc., University of London, 1937; A.M., Harvard, 1940. The Nationalism of Oliver Cromwell. *Harvard*.
- Charles J. Lavery*; A.B., Toronto, 1937; A.M., *ibid.*, 1940. The Classical Doctrine of Human Rights in International Law. *Chicago*.
- Charles Eugene Looper*; A.B., Furman, 1941; A.M., Louisiana State, 1942. The Nature of the Union; An Exposition of the Theories of Jefferson Davis, Alexander H. Stephens, Joseph Story, and Daniel Webster. *Georgetown*.
- H. Rowland Ludden*; A.B., Colgate, 1943; A.M., Princeton, 1945. Informational Activities of the Department of State; Historical Development and Present Organization and Operations. *Princeton*.
- Brian A. McGrath, S.J.*; A.B., St. Louis, 1936; S.T.L., Woodstock, 1945; A.M., Georgetown, 1940; A.M., Harvard, 1948. The Basic Political Philosophy of Woodrow Wilson. *Harvard*.
- Raymond McIlwenna*; A.B., Willamette, 1945; A.M., Harvard, 1947. The Rise and Decline of Liberal British International Thought, 1848-1900. *Harvard*.
- Martin Michael McLaughlin*; A.B., University of Portland, 1938; A.M., Notre Dame, 1941. Political Processes in American Student Activities. *Notre Dame*.
- Thomas Francis Maher*; A.B., St. Joseph's Seminary, Yonkers, 1936; A.M., Notre Dame, 1942. Population and Politics; The Political Aspects of Birth Control. *Notre Dame*.
- Milton R. Merrill*; B.S., Utah State College, 1925; A.M., Columbia, 1932. The Public Career of Reed Smoot. *Columbia*.
- G. Theodore Mitau*; A.B., Macalaster, 1940; A.M., Minnesota, 1942. The Political Ideology of James Bryce and Its Influence on American Political Science. *Minnesota*.
- Ilse Eichelgrun Nelson*; B.S., Anderson College, 1942; A.M., Butler, 1943. The Practical Aspects of Max Weber's Political Philosophy; Max Weber's Attitude Toward the Political Problems of Germany, 1885-1921. *Chicago*.
- Simon Noveck*; A.B., Yeshiva College, 1936. History of the Democratic Idea in America, 1765-1801. *Columbia*.

- Daniel P. Parker*; A.B., Emory, 1943; A.M., Pennsylvania, 1947. The Political and Social Philosophy of Harry S. Truman. *Pennsylvania*.
- George A. Peek*; A.B., Virginia, 1940; A.M., *ibid.*, 1941. The Political Theory of John Adams. *Virginia*.
- William Broderick Pendergast*; A.B., Notre Dame, 1937; A.M., *ibid.*, 1938; Licence en Sciences Politiques et Sociales, Louvain (Belgium), 1939. American Ideas on the Limits of the Authority of Government. *Chicago*.
- Ithiel DeSola Pool*; A.B., Chicago, 1938; A.M., *ibid.*, 1939. Economic Conditions of Political Freedom. *Chicago*.
- Leonard D. Quinlan*; A.B., University of Toronto, 1940; A.M., *ibid.*, 1942. Political Philosophy of Suarez. *Chicago*.
- Laurence I. Radway*; B.S., Harvard, 1940; M.P.A., Minnesota, 1943; I.A., Harvard, 1943; A.M., *ibid.*, 1948. The Foreign Assistance Act of 1948; A Case Study in Public Leadership. *Harvard*.
- Marcos A. Ramirez*; A.B., University of Puerto Rico, 1940; LL.B., *ibid.*, 1942; LL.M., Harvard, 1943; A.M., *ibid.*, 1945. Democracy and Revolution. *Harvard*.
- Austin Ranney*; B.S., Northwestern, 1941; A.M., Oregon, 1942. Political Parties in the American System; Theories of their Function. *Yale*.
- Charles E. Rogers*; A.B., Oklahoma, 1914; M.S., Kansas State College, 1926; A.M., Stanford, 1932. An Examination of the Political Attitudes of the *Kansas City Star*, 1880-1915. *Minnesota*.
- Bruno Paul Schlesinger*; Absolutorium in Law, Vienna, 1937. Christopher Dawson on the Modern Political Crisis. *Notre Dame*.
- Alexander Smetana*; B.S., Lafayette, 1936; A.M., Catholic University, 1941. A Comparative Analysis of the Best Form of Government According to Aristotle, Cicero, Aquinas, and Locke. *Catholic University*.
- Charles Louis Smith*; B.S., George Peabody College, 1927; A.M., Vanderbilt, 1930. Civil-Military Relations. *Chicago*.
- **Robert L. Stern*; A.B., New York State College for Teachers, 1935. Study of Predictions of Newspaper Columnists in the Newspapers of 1934. *Syracuse*.
- Kenneth Thompson*; A.B., St. Olaf, 1943. The Political Philosophy of Arnold J. Toynbee, with Special Reference to his Theory of International Relations. *Chicago*.
- Tang Tsou*; A.B., Southwest Associated University, 1940; A.M., Chicago, 1945. The Chicago School of Political Science. *Chicago*.
- John C. Wahlke*; A.B., Harvard, 1939; A.M., *ibid.*, 1947. Political Theory of the Utopian Socialists. *Harvard*.
- Lawrence Wanlass*; B.S., Utah State Agricultural College, 1946. The Political Theory of Thomas Starkey in its Sixteenth Century English Setting. *California*.
- William Welch*; A.B., Harvard, 1938; A.M., Yale, 1947. The Scientific View of Politics; Recent Expressions in the Work of American Students. *Columbia*.
- Paul G. Willis*; A.B., Marshall, 1937; A.M., Louisiana State, 1939. Political Libel in the United States. *Indiana*.
- Richard B. Wilson*; A.B., California, 1943. The Status of the Separation of Powers Doctrine in the States (1932-48). *California*.
- Raymond W. Young*; A.B., New Jersey State Teachers College, 1945; A.M., Rutgers, 1946. American Socialism and the Leadership of Norman Thomas. *Johns Hopkins*.

GOVERNMENT AND POLITICS OF THE UNITED STATES AND ITS DEPENDENCIES

- Roger S. Abbott*; A.B., College of the Pacific, 1938; A.M., California, 1939. The

- Investigation and Suppression of Subversive Activity by the Federal Government Since 1930. *California*.
- Emile B. Ader*; A.B., Tulane, 1941; A.M., *ibid.*, 1942. Federal and State Controls of Federal Grants-in-Aid. *California*.
- Concepcion Aguila*; LL.B., Centro Escolar University (Manila), 1924; LL.M., *ibid.*, 1926; A.M., *ibid.*, 1937. Education Policies, Agencies, and Objectives of the United States Federal Government. *Georgetown*.
- Myer Alpert*; A.B., Maine, 1940; A.M., Harvard, 1948. Public Policy and the Pulp and Paper Industry. *Harvard*.
- Benjamin Baker*; B.S., C.C.N.Y., 1935; A.M., Columbia, 1940. Food Controls in World War II. *Columbia*.
- Roscoe Baker*; A.B., Berea, 1929; A.M., Ohio State, 1933. The Foreign Policy of the American Legion. *Northwestern*.
- Ernest R. Bartley*; A.B., Nebraska Wesleyan, 1940; A.M., Nebraska, 1941. The Tidelands Controversy; A Study in American Federalism. *California*.
- Myron A. Baskin*; A. B., Wheaton College (Ill.), 1941; A.M., Clark, 1942. Planning for Peace in the United States, 1941-45. *Clark*.
- Arthur H. Benedict*; A.B., Marietta, 1934; A.M., Syracuse, 1935. Federal Centralization Since 1933. *Ohio State*.
- Hillman M. Bishop*; A.B., Columbia, 1926. Rhode Island and the Federal Constitution. *Columbia*.
- Edward M. Caine*; B.B.A., City College of New York, 1940; M.P.A., New York University, 1947. The Civil Aeronautics Board. *New York University*.
- Dorothy C. Carmack*; A.B., Southern California, 1943; A.M., Northwestern, 1946. A Decade of the CIO in National Politics, 1936-1946. *Johns Hopkins*.
- William N. Chambers*; A.B., Harvard, 1939. Thomas Hart Benton—A Political Biography. *Washington* (St. Louis).
- Stephen Aldrich Crouse*; A.B., Iowa State Teachers College, 1946; A.M., Drake, 1947. The Establishment of the Department of National Defense. *Iowa*.
- Marvin Downey*; A.B., Virginia, 1931; A.M., *ibid.*, 1934. The Committee on Rules of the U.S. House of Representatives. *Chicago*.
- David Gregg Farrelly*; B.S., Springfield College, 1937; A.M., Pittsburgh, 1940. The Senate Judiciary Committee. *Princeton*.
- Richard Walter Gable*; B.S., Bradley Polytechnic Institute, 1942. The Political Origins of the Taft-Hartley Act. *Chicago*.
- Robert N. Ginsburgh*; B.S., U.S. Military Academy, 1944; M.P.A., Harvard, 1947. Military Government Organizations of the U.S. Army, 1819-1948. *Harvard*.
- Merrill Goodall*; A.B., California, 1938; A.M., *ibid.*, 1942. Southern Solidarity in National Politics. *Johns Hopkins*.
- **Raymond H. Gusteson*; A.B., Morningside, 1942; A.M., Syracuse, 1945. Violence in Labor Disputes. *Syracuse*.
- **John D. Hall*; A. B., Union, 1936; A.M., Syracuse, 1938. The Administration of U.S. Territories and Island Possessions. *Syracuse*.
- Marston Headley*; A.B., Carleton, 1938; A.M., Harvard, 1940. The Role of the States in the Administration of a National System of Public Employment Offices. *Harvard*.
- Marvin W. Heath*; A.B., Cornell College, 1939. The Administration of the Civil Aeronautics Act by the C.E.B. *Chicago*.
- **Donald C. Herzberg*; A.B., Wesleyan, 1946. Removal of Public Officers. *Syracuse*.
- A. Freeman Holmer*; A.B., Concordia, 1938; A.M., Oregon, 1946. An American Labor Party? An Analysis of the Causes of Labor's Political Failures, with Emphasis on the Period 1920-1948. *Columbia*.

- Jack E. Holmes; A.B., Wyoming, 1939; A.M., *ibid.*, 1945. Politics of National Farmers Union. *Chicago*.
- Burke Inlow; A.B., State College of Washington, 1937; A.M., California, 1940. The Patent Grant—The Evolution of a Property Right. *Johns Hopkins*.
- Merle Kling; A.B., Washington, 1940; A.M., *ibid.*, 1941. Missouri's Attitude on Foreign Policies as Expressed by her Congressmen. *Washington* (St. Louis).
- Lewis J. Lapham; A.B., Iowa, 1942; M.S., Syracuse, 1943. Congressional Organization and Policy Formulation—with Special Reference to the House Committee on Rules. *Harvard*.
- Paul Lawrence, Jr.; A.B., Williams, 1942. The Tidelands Oil Controversy; A Study in Public Policy Formation. *Chicago*.
- Carl H. McFadden; A.B., Ohio State, 1939; A.M., *ibid.*, 1940. Federal and State Laws Restricting the Sale and Consumption of Oleomargarine. *Ohio State*.
- Daniel S. McHargue; A.B., U.C.L.A., 1938; A.M., *ibid.*, 1941. Factors and Influences Affecting Appointments to the U.S. Supreme Court. *U.C.L.A.*
- *Jerome Machin; B.S.S., C.C.N.Y., 1935. A Study in Protest Politics. *Syracuse*
- Byron Samuel Martin; A.B., Chicago, 1946; A.M., *ibid.*, 1947. Planning for Total Mobilization for War in the United States: 1920-1940. *Chicago*.
- Edwin M. Martin; A.B., Northwestern, 1929. Politico-Economic Phases of the Allied Occupation of Japan. *Northwestern*.
- Frank S. Mellor; B.S., Hamilton, 1938; A.M., Harvard, 1939. Employment of Civilians by the Department of the Army; Factors in Determining Whether Military or Civilian Personnel Should be Assigned to Particular Activities or Jobs. *Harvard*.
- Leno C. Michelin; Ph.B., DePaul, 1939; M.E., Chicago Teachers College, 1941. Union Responsibility. *Chicago*.
- William Alexander Mitchell; B.S., Clemson Agricultural College, 1938; A.M., North Carolina, 1940; A.M., Princeton, 1942. Federal Aid for Education. *Princeton*.
- Robert J. Morgan; B.S., Iowa State, 1940. The Presidency under John Tyler. *Virginia*.
- Robert L. Morlan; A.B., Denison, 1942; A.M., Minnesota, 1947. The Political History of the Nonpartisan League, 1915-1922. *Minnesota*.
- Rita Weber Nealon; A.B., Hunter, 1940; A.M., N.Y.U., 1946. The Contribution of the Attorney-General to the Development of a Strong Executive. *New York University*.
- Daniel M. Ogden, Jr.; A.B., State College of Washington, 1944; A.M., Chicago, 1947. The Development of Federal Power Policy in the Pacific Northwest. *Chicago*.
- Frederic D. Ogden; A.B., Tusculum, 1938. The Poll Tax in the South. *Johns Hopkins*.
- A. Edward Palmos; A.B., N.Y.U., 1935; A.M., *ibid.*, 1936. Some Recent Attempts of Non-Political Organizations to Influence Federal Legislation. *New York University*.
- Richard Pilant; A.B., Washington, 1932. The Monroe Doctrine Geopolitically Considered in the Age of Sea Power. *Washington* (St. Louis).
- John R. Probert; A.B., Lafayette, 1937; A.M., *ibid.*, 1938. The National Security Act of 1947. *Pennsylvania*.
- Louis A. Radelet; A.B., Notre Dame, 1939. The Presidency and the Crisis; Powers of the Office from Pearl Harbor to V-J Day. *Notre Dame*.
- Norman Franklin Reber; A.B., Elizabethtown College, 1930; A.M., Pennsylvania, 1935. Federal Measures to Control Agricultural Production, 1933-1940; A Critical Study of a National Policy. *Pennsylvania*.

- Harold Roth*; LL.B., Southern California, 1940; B.S., *ibid.*, 1942; M.S., *ibid.*, 1942. Collective Bargaining Patterns in the Motion Picture Industry. *Chicago*.
- James E. Russell*; A.B., Princeton, 1938; A.M., Columbia, 1940. Federal Activities in Higher Education. *Columbia*.
- Martha Saenger*; A.B., Ohio State, 1942; A.M., *ibid.*, 1945. The CIO and the Political Action Committee, 1944-48. *Ohio State*.
- Carl Santoro*; A.B., Ursinus, 1940; A.M., Pennsylvania, 1945. A New Approach to the Problem of Non-Voting. *Pennsylvania*.
- Richard L. Seggel*; A.B., Princeton, 1936; A.M., *ibid.*, 1938. Government and the Veteran. *Princeton*.
- James B. Shahan*; A.B., Davis and Elkins, 1931; A.M., West Virginia, 1935. A Study of Some of the Military Aspects of American Colonial Administration in the Southeast Pacific. *Ohio State*.
- Ruth Caridad Silva*; A.B., Michigan, 1943; A.M., *ibid.*, 1943. Presidential Succession. *Michigan*.
- **Samuel R. Solomon*; A.B., Syracuse, 1930; A.M., *ibid.*, 1931. Uses of Executive Veto Power. *Syracuse*.
- Gilbert Y. Steiner*; A.B., Columbia, 1945; A.M., *ibid.*, 1948. The Congressional Conference Committee, 70th to 80th Congresses. *Illinois*.
- Julius Turner*; A.B., Colgate, 1943. Party and Constituency; Determinants of Congressional Voting Behavior. *Johns Hopkins*.
- Christopher Van Hollen*; A.B., Haverford, 1947. The Preconvention Campaign and the Conventions of 1948. *Johns Hopkins*.
- Donald Frederick Whitehead*; A.B., University of Wichita, 1941. American Public Opinion and Roosevelt's Foreign Policy, 1933-1941. *Chicago*.
- Lyman D. Wooster, Jr.*; A.B., Kansas State College (Fort Hays), 1939; A.M., Pennsylvania, 1947. The Farm Bureau; Policies and Politics. *Pennsylvania*.
- Violet Elizabeth Wurfel*; A.B., Pomona, 1928; A.M., Virginia, 1945. American Implementation of Philippine Independence (1946-1947); A Case Study in the Granting of Colonial Independence. *Virginia*.
- Charles Young*; B.S., Brooklyn, 1934. The Rider Method of Legislation. *New York University*.

CONSTITUTIONAL AND ADMINISTRATIVE LAW IN THE UNITED STATES

- Paul Beckett*; A.B., Monmouth, 1935; A.M., Illinois, 1938. Judicial Review of Statutes in California, 1880-1910. *U.C.L.A.*
- Doris S. Blaisdell*; A.B., American, 1944; A.M., Wisconsin, 1945. Mr. Justice James Clark McReynolds. *Wisconsin*.
- H. Paul Castleberry*; A.B., Texas Technological College, 1941; A.M., *ibid.*, 1942. Legal and Political Questions in the Jurisprudence of the United States Supreme Court. *Chicago*.
- Janice Evelyn Christensen*; A.B., Minnesota, 1944; A.M., *ibid.*, 1946. Constitutional Problems of National Control of Elections in the United States. *Minnesota*.
- Samuel Ingalls Clark*; A.B., Chicago, 1943. A Study of Mr. Justice Oliver Wendell Holmes. *Chicago*.
- Robert Fairchild Cushman*; A.B., Cornell, 1940; A.M., *ibid.*, 1948. Religion and Education in American Constitutional Law. *Cornell*.
- Frederyc R. Darby*; A.B., Occidental, 1934; A.M., *ibid.*, 1935. Welfare Clause of the Constitution. *California*.
- Leon David Epstein*; A.B., Wisconsin, 1940; A.M., *ibid.*, 1941. The Rôle of Mr. Justice Douglas on the Supreme Court. *Chicago*.

- Delavan P. Evans*; A.B., Occidental, 1933. The Use of the Concept of Inherent Powers by the Supreme Court of the United States. *California*.
- Royal C. Gilkey*; A.B., Cornell, 1941; A.M., Columbia, 1947. Mr. Justice Frankfurter and Civil Liberties. *Columbia*.
- Walter Gouch*; A.B., St. Paul's College, 1936; A.M., Catholic University, 1944. Judicial Philosophy and Opinions of Justice Cardozo. *Johns Hopkins*.
- Howard Devon Hamilton*; B.S., Purdue, 1942. Legislative and Judicial History of the Thirteenth Amendment. *Illinois*.
- Francis H. Heller*; J.U.C., Vienna; LL.B., Virginia, 1941; A.M., *ibid.*, 1941. The Sixth Amendment to the Constitution of the United States. *Virginia*.
- Samuel Hendel*; LL.B., Brooklyn Law School, 1930; B.S.S., C.C.N.Y., 1936. Constitutional Doctrine of Charles Evans Hughes. *Columbia*.
- Timothy G. Higgins*; A.B., Nebraska, 1942; A.M., Wisconsin, 1947. The Politics of the Supreme Court of Wisconsin. *Wisconsin*.
- Charles Sebastian James, Jr.*; A.B., Furman, 1937; A.M., Mercer University, 1939. The Proposed Twenty-Second Amendment to the Constitution: Background and Development of the Movement to Limit the Presidential Term. *North Carolina*.
- Thomas George Karis*; A.B., Minnesota, 1940; A.M., Columbia, 1942. The Weight of Constitutionality on Congress; Some Case Studies. *Columbia*.
- Harvey M. Karlen*; A.B., Chicago, 1939. Wage Determination in Chicago. *Chicago*.
- Robert C. Kennedy*; A.B., Baldwin-Wallace, 1934. The Development of Labor Legislation in the Eightieth Congress (First Session). *American*.
- William L. LaRue*; A.B., Northwestern, 1933. Patents and Copyrights in American Public Law. *Princeton*.
- James C. Lien*; A.B., St. Ambrose, 1940; A.M., Iowa, 1946. Development of Legal Doctrine Governing Liability of Administrative Officers for Illegal Acts in Iowa. *Iowa*.
- Roy Miller*; A.B., Hamline, 1927; A.M., Minnesota, 1928. Municipal Civil Service Law in Minnesota. *Minnesota*.
- **Edward E. Palmer*; A.B., Middlebury, 1939. Third Degree Practices and Administration of Justice. *Syracuse*.
- J. Francis Paschal*; A.B., Wake Forest, 1935; LL.B., *ibid.*, 1938. Mr. Justice Sutherland. *Princeton*.
- William Russell Pullen*; A.B., North Carolina, 1942; B.S. in L.S., *ibid.*, 1947. Applications for a National Convention for Amending the Constitution of the United States. *North Carolina*.
- John Pearson Roche*; A.B., Hofstra, 1943; A.M., Cornell, 1947. How Citizenship Is Lost. *Cornell*.
- **Samuel F. Thomas*; A.B., Columbia, 1944; M.S., Syracuse, 1946. Licensing Processes and the Police Power. *Syracuse*.
- Mitchell Wendell*; A.B., Brooklyn, 1943; LL.B., Columbia, 1945. The Relation Between the Federal and State Courts. *Columbia*.
- Charlotte Williams*; A.B., Vanderbilt, 1938; A.M., *ibid.*, 1939. Mr. Justice Black and the Judicial Process. *Johns Hopkins*.

AMERICAN STATE AND LOCAL GOVERNMENT AND POLITICS

- Sylvester Sadler Aichele*; A.B., Dickinson, 1942; A.M., Pennsylvania, 1946. Pressure Groups and the Legislative Process in Pennsylvania. *Pennsylvania*.
- Bernard L. Barnard*; A.B., Kansas, 1928; A.M., *ibid.*, 1932. Bicameralism in Kansas. *American*.
- Blanche Davis Blank*; A.B., Hunter, 1944; A.M., Syracuse, 1945. Municipal Licensing. *Columbia*.

- Robert Hughes Brisbane; A.B., St. Johns, 1939. Race and Politics in New York City, 1920-1944. *Harvard*.
- John Cotton Brown; A.B., Florida, 1942. Preflection Attitudes of Party Leaders as Factors in Predicting Future Party Behavior. *Chicago*.
- Eugene C. Brownson; A.B., Washington, 1938; A.M., *ibid.*, 1940. The Administration of County Functions in the City of St. Louis. *Washington* (St. Louis).
- Gordon K. Bryan; A.B., Texas, 1929; A.M., *ibid.*, 1930. County Government and Administration in Mississippi. *U.C.L.A.*
- Judah Cahn; B.S., N.Y.U.; A.M., Columbia, 1942. Relationship of Church and New York State. *Columbia*.
- Carroll H. Clark; A.B., Alma, 1927; A.M., Columbia, 1932. A Study of Nonpartisan Elections in Flint, Michigan. *Michigan*.
- Ernest Collins; A.B., Transylvania, 1939; A.M., Kentucky, 1941. The Negro Voter in Ohio and Kentucky. *Kentucky*.
- Carl E. DeVane; A.B., Shaw University, 1936; A.M., Atlanta University, 1937. An Inquiry into the Fundamentals of Executive Budgeting, with Special Emphasis on the City of Philadelphia. *Pennsylvania*.
- Rowland E. Dietz; A.B., Swarthmore, 1942; A.M., Columbia, 1946. Civic Reform Movement in Cincinnati. *Columbia*.
- Paul Dolan; A.B., Pennsylvania, 1933; A.M., *ibid.*, 1936. Trends in State Administration in Delaware, 1917-1947. *Johns Hopkins*.
- Louis H. Douglas; A.B., Hastings, 1931; A.M., Nebraska, 1937. The Development of Governmental Policy in Water Use in Nebraska. *Yale*.
- J. Kirk Eads; A.B., Columbia, 1936; A.M., *ibid.*, 1937. Theory and Practice of State Control over the Local Unit. *Indiana*.
- George Elcaness; A.B., N.Y.U., 1935; A.M., *ibid.*, 1937. A History of the Consolidation of the City of New York. *New York University*.
- Charles D. Farris; B.S., Florida, 1936; A.M., *ibid.*, 1941. Politics in a Southern Urban Community. *Chicago*.
- Emery Fast; A.B., Colorado, 1927; A.M., *ibid.*, 1929. A History of the California Criminal Syndicalism Law. *Stanford*.
- Mona Fletcher; B.S. in Ed., Kent State University, 1921; A.M., Chicago, 1924. Bicameralism in Ohio. *Ohio State*.
- George Fouts; A.B., Texas, 1926. Politics of Gonsales, Texas. *Chicago*.
- Albert Gorvine; A.B., Harvard, 1944; M.S., in Government Management, Denver, 1947. A Proposed Reorganization of the Executive Department, State of Nevada. *New York University*.
- Daniel Grant; A.B., Oauchita College, 1945; A.M., Alabama, 1946. The Administrative Rôle of the Governor of Arkansas. *Northwestern*.
- Willard R. Hancock; B.S., Penn State, 1936; M. Ed., *ibid.*, 1940. Machinery of the States for Dealing with Labor Disputes. *Pennsylvania*.
- Earl T. Hanson; B. Ed., Southern Illinois State Normal University, 1932; A.M., Illinois, 1937. Urban Redevelopment in the United States. *Illinois*.
- Ivan Hinderaker; A.B., St. Olaf, 1938; A.M., Minnesota, 1942. Harold Stassen and Recent Developments in the Republican Party in Minnesota. *Minnesota*.
- George A. Hines; A.B., South Dakota, 1942; M.P.A., Wayne, 1948. Public Health in Connecticut. *Minnesota*.
- Herman Lionel Horn; A.B., Bridgewater College, 1924; A.M., Duke, 1936. The Development of the Democratic Party in Virginia since 1900. *Duke*.
- Charles D. Hounshell; A.B., Emory and Henry, 1942. A Study of the Legislative Function of the Virginia General Assembly. *Virginia*.
- John Paul Jones; B.A.J., Florida, 1937; A.M., Wisconsin, 1939. History of the Republican Party in Illinois since 1912. *Illinois*.

- Louis E. Lambert; A.B., Iowa, 1932; A.M., *ibid.*, 1936. Indiana State Board of Accounts. *Indiana*.
- Gayle K. Lawrence; A.B., Temple, 1941; M.B.A., Pennsylvania, 1943. The Effect of Governmental Authorities on the Position of the American Municipality, with Special Reference to Pennsylvania. *Pennsylvania*.
- David Lazar; B.S., N.Y.U., 1931; A.M., *ibid.*, 1936. The Suffrage in New York State. *New York University*.
- Eleanor Tabor Linenthal; A.B., Radcliffe, 1943. Freedom of Speech and Press in the State of New York since 1900. *Cornell*.
- Bernard O. J. Linnevold; A.B., Luther, 1930; A.M., Colorado, 1931. Cheese and Politics. *Wisconsin*.
- Ruth Hume Lutz; A.B., Louisville, 1939; A.M., George Washington, 1940. Intergovernmental Relations between the City of Pittsburgh and Allegheny County. *Pittsburgh*.
- William J. McKenna; B.S., Pennsylvania, 1936; A.M., *ibid.*, 1938. The Minor Judiciary in Pennsylvania. *Pennsylvania*.
- Hugo V. Maiale; B.S., Westchester State Teachers, 1937; A.M., Pennsylvania, 1939. The Italian-Americans: A Political Pressure Group in Philadelphia. *Pennsylvania*.
- Lois Bannister Merk; A.B., Smith, 1924; A.M., Clark, 1927. Massachusetts in the Woman's Rights Movement. *Radcliffe*.
- John Hobart Millett; A.B., Beloit, 1940; A.M., Cincinnati, 1942. Public Employee Unionism in Downstate Illinois Municipalities. *Illinois*.
- William F. Nowlin; A.B., Howard, 1919; A.M., Ohio State, 1930. Legislative Investigating Committees in Ohio, 1919-1934. *Ohio State*.
- Garfield Sieber Pancoast; B.S., Ursinus, 1937; A.M., Pennsylvania, 1940. The Second Class Township in Pennsylvania. *Pennsylvania*.
- Daisy Parker; A.B., Florida, 1937. The Executive Department of the State of Florida. *Virginia*.
- Philip C. Pendleton; B.S., Pennsylvania, 1922; A.M., *ibid.*, 1924; LL.B., Temple, 1929. A Critical Analysis of the Effectiveness of the Municipal Leagues of Pennsylvania. *Pennsylvania*.
- Ira Polley; A.B., Indiana, 1938. The Politics and Administration of State Labor Relations Acts. *Minnesota*.
- Ralph E. Purcell; A.B., Florida Southern College, 1940; A.M., Duke, 1942. The Administration of Governor Aycock of North Carolina. *Wisconsin*.
- Joseph Wright Reid, Jr.; A.B., Louisiana State, 1938; A.M., *ibid.*, 1939. Intergovernmental Relations in Alabama. *North Carolina*.
- John Otto Reinemann; J.D., University of Frankfurt-on-Main, 1926. The Functions and the Structure of a Proposed State Department of Corrections for Pennsylvania, as Compared with Existing State Departments of Corrections in Other States of the Union. *Pennsylvania*.
- Samuel J. Resnick; A.B., Brooklyn, 1941; A.M., N.Y.U., 1942. The City Planning Commission and the Department of City Planning of the City of New York. *New York University*.
- William H. Reynolds; B. Ed., Southern Illinois State Normal University, 1943. The State Departments of Agriculture. *Chicago*.
- Miriam Roher; A.B., Barnard, 1936; A.M., Northwestern, 1937. Public Relations Reporting by City Governments—Nature and Effectiveness. *California*.
- Edwin Rothman; A.B., Minnesota, 1938; A.M., Wisconsin, 1939. Factional Machine Politics; Wm. Curran and the Baltimore City Democratic Party, 1928-1946. *Johns Hopkins*.

- Gustav Ralph Serino*; A.B., Harvard, 1939; A.M., *ibid.*, 1946. The Effect of Italian Immigration on Politics of the City of Boston: 1900-1935. *Harvard*.
- J. Malcolm Smith*; A.B., Washington, 1946. Judicial Tenure in California: The California Method of Selecting Judges. *Stanford*.
- Norman L. Stamps*; A.B., University of Kansas City, 1941; A.M., *ibid.*, 1942. Political Parties in Connecticut, 1739-1832. *Yale*.
- Israel Stiefel*; A.B., Pennsylvania, 1925; LL.B., *ibid.*, 1928; A.M., *ibid.*, 1932. Industrial Changes and Taxation Problems in Pennsylvania. *Pennsylvania*.
- William Bruce Storm*; B.E., Northern Illinois State Teachers College, 1942. An Analysis of the Illinois Agricultural Association as a Pressure Group for Farmers. *Chicago*.
- Ralph A. Straetz*; A.B., Chicago, 1938; Ed. M., Boston, 1942. The Origin and History of the Progressive Movement in Illinois, 1910-1916. *Illinois*.
- Karl Arthur Svenson*; A.B., Wyoming, 1942; A.M., Alabama, 1944. The Rise and Decline of Political Radicalism in Kansas; A Study of the Effects of the Populist Party in Kansas. *Iowa*.
- Vincent V. Thursby*; A.B., Vanderbilt, 1942; A.M., *ibid.*, 1947. A Study of the Interstate Compact. *Virginia*.
- Anson Eugene Van Eaton*; B.S., Northeast Missouri Teachers College, 1925; A.M., Missouri, 1930. The Initiative and Referendum in Missouri. *Missouri*.
- Kenneth Earl Vanlandingham*; A.B., Kentucky, 1942; A.M., *ibid.*, 1945. Constitutional and Statutory Limitations on County Government in the South. *Illinois*.
- John Robert Verby*; B.S.Ed., Northeast Missouri State Teachers College, 1928; A.M., Missouri, 1932. Legislative History of the Administrative County Offices in Missouri. *Washington* (St. Louis).
- Ellsworth E. Weaver*; B.S., Utah, 1937; M.S., *ibid.*, 1938. State Supervision of Municipal Administration in Utah Cities of the First and Second Classes. *New York University*.
- Robert Martin Young*; A.B., Washington, 1930; A.M., *ibid.*, 1932. The Office of Governor in Missouri. *Washington* (St. Louis).
- Frederick L. Zimmermann*; A.B., Columbia, 1928; A.M., *ibid.*, 1929. The Council of State Governments. *Columbia*.
- Maurice William Zucker*; A.B., Johns Hopkins, 1938; A.M., Harvard, 1940. Executive Control Over the New York City Expense Budget. *Harvard*.

PUBLIC ADMINISTRATION IN THE UNITED STATES

- Robert W. Anderson*; A.B., Cornell, 1935; A.M., *ibid.*, 1938. Intergovernmental Relationships in Federal Relief Administration. *Princeton*.
- Paul Flesher Ashby*; A.B., University of Washington, 1930; A.M., American, 1932. The History of Public Administration in the United States from 1865 to 1875. *Chicago*.
- Wilma Henrietta Bangert*; A.M., Chicago, 1941. Wilson and his Cabinet. *Chicago*.
- Eugenie K. Bigelow*; A.B., Barnard, 1934; A.M., Columbia, 1937. The Permanent Representative Advisory Committee as a Device in Determining Administrative Policy; Case Studies in the Departments of Labor and Commerce. *Pennsylvania*.
- John C. Bollens*; A.B., Wooster, 1942. The Problem of Government in the San Francisco Bay Metropolitan Region. *Wisconsin*.
- Franklin M. Bridge*; A.B., Indiana, 1937. The Making of Public Policy in the Indiana General Assembly. *Northwestern*.
- Donald P. Brown*; A.B., Northwestern, 1930; A.M., *ibid.*, 1940. The Administrative Budget of UNRRA. *American*.
- Milon Louis Brown*; B.S., Penn State, 1914; A.M., *ibid.*, 1926. Personnel Policies

- and Practices in Federal Administration; A Critique of Personnel Management in Selected Federal Agencies. *Pennsylvania*.
- *Frederic Bundy; A.B. and B.S. in Ed., Kent State University, Ohio, 1935; A.M., Ohio State, 1938. Fact-Finding Processes in the Department of Agriculture. *Syracuse*.
- George P. Bush; A.M., American, 1946; M.B.A., Howard, 1946. The General Staff Concept in Public Administration. *American*.
- William D. Carey; A.B., Columbia, 1940; A.M., *ibid.*, 1941. Decentralization in National Administration. *Columbia*.
- Comer Clay; A.B., Abilene Christian, 1931; A.M., Texas, 1937. The Lower Colorado River Authority. *Texas*.
- Edwin Kling; B.S., Northwestern, 1945; A.M., *ibid.*, 1946. Illinois State Department of Labor; Its Administration and Effect. *Northwestern*.
- George Scott Cree; A.B., Ohio State, 1937; B. Sci. in Ed., *ibid.*, 1938; A.M., *ibid.*, 1940. Administrative Adjudication in North Carolina. *North Carolina*.
- Jonathan Ray Cunningham; A.B., New Mexico State College, 1936; A.M., University of New Mexico, 1940. The Administrative Ideas and Career of Charles Evans Hughes. *Chicago*.
- Eric Daenecke; B.S., American, 1944; A.M., *ibid.*, 1947. Significant Recent Developments in Federal Budgetary Administration. *American*.
- Emmett Davidson; A.B., Emporia, 1923; A.M., Arkansas, 1930. Public Regulation of Labor Union Practices. *Missouri*.
- John Aubrey Davis; A.B., Williams, 1933; A.M., Wisconsin, 1934. Regional Administration under the Social Security Board, with Special Reference to the Problem of Administrative Decentralization of the Bureau of Old Age and Survivors Insurance. *Columbia*.
- James R. Donoghue; A.B., Pittsburgh, 1938; A.M., *ibid.*, 1940. Judicial Participation in Local Administration in Pennsylvania. *U.C.L.A.*
- James W. Drury; A.B., Illinois, 1939; A.M., *ibid.*, 1940. Separations of Federal Employees, 1937-1947. *Princeton*.
- Violet A. Earle; A.B., Texas, 1940; A.M., *ibid.*, 1944. Some Administrative Aspects of the Health Program in Texas. *Texas*.
- Dorothy Elowitch; A.B., N.Y.U., 1932; A.M., *ibid.*, 1936. Administration of the Federal Communications Commission. *New York University*.
- Laurel A. Engberg; A.B., Colorado State College of Education, 1934; A.M., Colorado, 1940. The Administration of Non-Tax Supported Liberal Arts Colleges in the Middle West. *Wisconsin*.
- Ralph Fjelstad; A.B., Concordia, 1937. The Relation of Congress to the Civil Service. *Northwestern*.
- Robert Y. Fluno; A.B., Rollins, 1938. Regional Coordination of Federal Field Agencies. *Minnesota*.
- Guy Fox; A.B., Texas Christian, 1939; A.M., Southern Methodist, 1940. Regulation of Banking by the Comptroller of the Currency. *Texas*.
- Theodore H. Friedenberg; A.B., Pennsylvania, 1935; M.B.A., Pennsylvania, 1930. The Administration of the OPA Rent Control Program. *Pennsylvania*.
- Nathalie Georgia; A.B., Reed, 1945; A.M., Cornell, 1946. Administrative Aspects of County and Metropolitan Planning Agencies. *North Carolina*.
- Bernard B. Goldner; B.S., Pennsylvania, 1940; A.M., *ibid.*, 1943. A Nuclear Concept of Organization and Administration. *Pennsylvania*.
- *Clifford R. Gross; A.B., South Dakota, 1937; A.M., *ibid.*, 1938; M.P.A., Syracuse, 1946. The Budgetary Administration of the Bureau of Old Age and Survivors Insurance. *Syracuse*.

- Henry C. Hart; A.B., Vanderbilt, 1936; A.M., Wisconsin, 1947. Administration of the Missouri Basin Development. *Wisconsin*.
- Lowell H. Hattery; A.B., Ohio University, 1936. Federal Government Management of Social Science Research. *American*.
- Rolf N.B. Haugen; A.B., Minnesota, 1937; A.M., Harvard, 1943. The Role of Communication in Administration. *Harvard*.
- Donald Bales Hayman; A.B., Kansas, 1940; A.M., North Carolina, 1947. Personnel Administration in North Carolina. *North Carolina*.
- Kathryn G. Heath; A.B., American, 1931; A.M., Syracuse, 1936. Basic Standards and Status in Employee Counseling. *American*.
- J. Clare Heinlein; A.B., Grinnell, 1934; LL.B., Kansas City School of Law, 1938. The Administrative Theory and Practice of Albert Gallatin. *Chicago*.
- Schuyler Hoslett; A.B., Park, 1940; A.M., Ohio State, 1942; M.P.A., Harvard, 1946. Personnel Policies of the American Red Cross. *Ohio State*.
- C. Herschel Jones; A.B., Ohio Wesleyan, 1935. Administrative Internships in the National Capital. *Wisconsin*.
- Herbert Kaufman; B.S.S., C.C.N.Y., 1942; A.M., Columbia, 1946. Decisions at the Roots; A Case Study of the Process of Decision Making at the Operating Level of the U.S. Forest Service. *Columbia*.
- *John T. Kitos; A.B., Syracuse, 1937. The Administration of the Federal Hospital Survey and Construction Act. *Syracuse*.
- Morris Klapper; B.S., Oregon, 1941; M.S., Columbia, 1943. Lags of Coordination in Expanding Role of Federal Health Administration. *Columbia*.
- Grace M. Kneedler; A.B., California, 1936. The Role of the Social Security Board in the Determination of Policy under the Social Security Act of 1935 and Its Amendments. *California*.
- Jacob Kossman; A.B., Pennsylvania, 1930; A.M., *ibid.*, 1943; LL.B., Temple, 1935. The Law of Radio Broadcasting and the Administration Thereof by the Federal Communications Commission. *Pennsylvania*.
- V. A. Leonard; B.S., Texas Wesleyan, 1938; A.M., Texas Christian, 1940. A Theory of Police Organization and Operation. *Ohio State*.
- *Brinley J. Lewis; A.B., Colorado, 1942; M.S., Syracuse, 1947. Decentralization in Public Personnel Administration. *Syracuse*.
- *Fordyce Luikart; A.B., Ohio Wesleyan, 1933. Historical Evolution of Removal Authority and Practices in the Federal Service. *Syracuse*.
- Donald E. J. MacNamara; B.S., Columbia, 1939; M.P.A., N.Y.U., 1946. The Administrative Organization and Operation of Provost Marshal General Activities in World War II. *Columbia*.
- Raymond F. Male; A.B., Union, 1941. Principles and Techniques in the Classification and Compensation of Public Personnel. *Princeton*.
- Milton M. Mandell; B.S., N.Y.U., 1933. Departmental Personnel Offices in Federal Government. *Chicago*.
- Evelyn Armisted Maurer; A.B., Northwestern, 1927; A.M., *ibid.*, 1928. Governmental Regulation of the Interstate Distribution of Public Utility Products. *Northwestern*.
- Edward G. Misey; A.B., Wisconsin, 1942; A.M., *ibid.*, 1945. Management Planning in the National Administration. *Columbia*.
- *Robert Mowitz; A.B., Syracuse, 1941. Development and Uses of Summary Power in New York State. *Syracuse*.
- Lloyd D. Musolf; A.B., Huron, 1941; A.M., South Dakota, 1946. The Trial Examiner in Federal Regulatory Agencies. *Johns Hopkins*.

- Felix A. Nigro*; A.B., Wisconsin, 1935; A.M., *ibid.*, 1936. Senate Confirmation. *Wisconsin*.
- William Robert Parks*; A.B., Berea, 1937; A.M., Kentucky, 1938. Effort to Synthesize National Programming with Local Administration in Soil Conservation Districts. *Wisconsin*.
- Orville Thomas Payne*; A.B., Westminster, 1941. The Administrative Theory and Practice of Grover Cleveland. *Chicago*.
- **W. Scott Payne*; A.B., Colorado, 1939; A.M., *ibid.*, 1941. Development of Legal Doctrines Governing Liability of Administrative Officers for Illegal Acts in New York State. *Syracuse*.
- **Frank Piskor*; A.B., Middlebury, 1937. Administrative Relationships of the New York State Civil Service Commission to Local Governmental Agencies. *Syracuse*.
- Leo C. Quinn*; A.B., N.Y.U., 1930; A.M., *ibid.*, 1937. The Real Estate Bureau of the Board of Estimate of the City of New York; An Administrative Analysis of Its Role in the Control of the City's Real Property. *New York University*.
- Allan René Richards*; A.B., Colorado, 1939; A.M., *ibid.*, 1941. Field Administration of National Labor Regulatory Agencies, with Special Reference to the National War Labor Board. *North Carolina*.
- Leo Richards*; B.S., Columbia, 1921; M.S., California, 1931. Budgeting in the National Housing Agency. *American*.
- Harold H. Roth*; A.B., C.C.N.Y., 1931; A.M., Columbia, 1939. The Executive Office of the President; Its Development as an Administrative Instrument. *American*.
- Mary Sonora Schinagl*; A.B., College of Chestnut Hill, 1941; A.M., Pennsylvania, 1946. Efficiency Ratings in Federal Government. *Pennsylvania*.
- **Lloyd William Schram*; A.B., University of Washington, 1934; LL.B., *ibid.*, 1937; LL.M., Harvard, 1938. The Relation between Non-Farm Lands and the Primary Canals within the Columbia Basin Project Area—Problem No. 12, Columbia Basin Joint Investigations. *Washington* (Seattle).
- David Carson Scott*; A.B., Iowa, 1942; A.M., *ibid.*, 1943. The Iowa State Tax Commission; A Study in Administration. *Iowa*.
- Sarah Virginia Scott*; A.B., Georgia, 1944; A.M., Alabama, 1945. State Administrative Reporting. *Northwestern*.
- Florence Wiener Siegel*; A.B., N.Y.U., 1944. The Development through Judicial Interpretation of the Constitutional Merit System in the State of New York. *New York University*.
- Sidney Spector*; A.B., Miami, 1939. Public Administration among Primitive Societies. *Chicago*.
- **Ronald M. Stout*; A.B., Syracuse, 1939; A.M., *ibid.*, 1941. An Analysis of Administrative Procedures Employed by the New York State Department of Health in the Regulation of Camp Sanitation. *Syracuse*.
- Owen Scott Stratton*; A.B., Reed, 1938. Wartime Control of Food Prices. *Stanford*.
- Nelson E. Taylor, Jr.*; A.B., Virginia, 1943; A.M., Harvard, 1946. The Association of American Railroads—Its Role as a Pressure Group. *Harvard*.
- Joseph Teplin*; Ph.D., Chicago, 1934. Administrative Theories of Theodore Roosevelt. *Chicago*.
- Henry A. Turner*; B.S., Northwest Missouri State Teachers College, 1939; A.M., *ibid.*, 1941. Administrative Theory and Practice of Woodrow Wilson. *Chicago*.
- **Stuart H. Van Dyke*; A.B., Indiana, 1935. Techniques of Censorship. *Syracuse*.
- James R. Watson*; A.B., Cornell College, 1938; A.M., Columbia, 1940. Administrative Problems in Puerto Rico. *Columbia*.

- William L. C. Wheaton; A.B., Princeton, 1934. The Administration of the Federal Housing Program. *Chicago*.
- Robert Fraser Wilcox; A.B., Stanford, 1937; A.M., *ibid.*, 1940; A.M., Columbia, 1944. The Information Function as an Instrument of Administrative Leadership: A Substantive Study of Federal Publicity Materials. *Stanford*.
- Henry Newton Williams; B.S., State Teachers College, Murfreesboro, Tennessee, 1937; A.M., Tennessee, 1938. Administration under the Illinois Civil Administrative Code, 1917-1937. *Chicago*.
- James Richard Woodworth; A.B., Western Reserve, 1940. Administration of the Pure Food, Drugs, and Cosmetics Act since 1938. *Harvard*.
- Virgil B. Zimmermann; A.B., South Dakota, 1938; A.M., *ibid.*, 1939. OPA's Price Department; A Critical Analysis in Reference to Current Theories of Public Administration. *Yale*.

FOREIGN AND COMPARATIVE GOVERNMENT AND POLITICS

- *Alonzo L. Baker; A.B., Pacific Union College, 1916. An Inquiry into the Influence of the Divine Emperor Doctrine Upon the Japanese Empire. *Southern California*.
- Richard Barron; A.B., Knox, 1932. The Party System in the Fourth French Republic. *Virginia*.
- George I. Blanksten; A.B., Chicago, 1939; A.M., *ibid.*, 1940. Political, Social, and Economic Aspects of Ecuadoran Constitutional Problems, 1940-1946. *U.C.L.A.*
- Leo David Cagan; A.B., Wisconsin, 1943; A.M., Chicago, 1947. Civil Service Unions; A Comparative Study of American and British Commonwealth Experience. *Chicago*.
- Kuo-chung Chao; A.B., University of Shanghai, 1939; A.M., Colorado State College of Education, 1947. The Social and Land Policies of Chinese Communists from 1937 to 1948. *Cornell*.
- Morris H. Cohen; A.B., Chicago, 1939. Civil Service in Great Britain in Wartime. *Chicago*.
- Arthur B. Coole; A.B., Baker, 1921; A.M., Denver, 1922; M.S., *ibid.*, 1930. The Influence of American Education upon Nationalist China. *Northwestern*.
- Edward Lane Davis; A.B., Kansas, 1941; A.M., Cornell, 1948. Government and the Press in Great Britain Since World War II. *Cornell*.
- Roger Di-Gioja; A.B., Michelet College, Paris, France, 1939; A.M., Notre Dame, 1943. The Problem of the Executive in France and the Fear of Bonapartism. *Notre Dame*.
- Herbert Neal Drennon; B.S., Mississippi State, 1941; A.M., Vanderbilt. Dominion Control of Industrial Relations in Canada since 1939. *Duke*.
- Peter Joachim Fliess; A.B., Stanford, 1944; A.M., Harvard, 1947. Freedom of the Press in Germany, 1918-1933. *Harvard*.
- Werner Freund; LL.D., Freiburg (Germany), 1933. The Jurisdiction of German Courts to Decide Controversies Arising under the Weimar Constitution. *Columbia*.
- Rosendo A. Gomez; Ph.B., Vermont, 1939; A.M., Minnesota, 1948. The Argentine Federal System; Its Theory and Practice. *Minnesota*.
- Robert E. Hosack; A.B., Wooster, 1932; A.M., Chicago, 1934. A Study of Regional Government in Modern China. *Duke*.
- Nobutaka Ike; A.B., Washington, 1940. The Democratic Movement in Japan, 1874-1890. *Johns Hopkins*.
- George McTurnan Kahin; A.B., Harvard, 1940; A.M., Stanford, 1946. Government and Politics in Indonesia. *Johns Hopkins*.

- Harry Kantor; A.B., Illinois, 1946; A.M., Wisconsin, 1947. The Development and Ideology of the Aprista Movement in Peru. *U.C.L.A.*
- Robert Frederick Karsch; A.B., Westminster, 1932; A.M., Vanderbilt, 1934. French Constitutionalism and the Social Question. *Missouri*.
- Thomas B. Larson; A.B., Nebraska, 1937; A.M., Chicago, 1938. The Commissariats of the Soviet Union, 1928-1939; A Study in Administrative Organization. *Columbia*.
- Samuel Milner; A.B., University of Alberta, 1936; A.M., *ibid.*, 1938. Governmental Control of Radio Broadcasting in Canada. *Minnesota*.
- Wei-Chin Mu; A.B., National Tsing Hua, Peiping, 1937; A.M., Princeton, 1947. Provincial-Central Government Relations in China. *Princeton*.
- Lowell G. Noonan; A.B., Stanford, 1944; A.M., *ibid.*, 1946. The Fourth French Republic. *California*.
- Benjamin Pin; D. es L., Paris, 1938. The Legislative Work of the French Committee of National Liberation. *Columbia*.
- Robert Vance Presthus; A.B., St. Olaf, 1940; A.M., Minnesota, 1941. Nationalization of Coal Mines in Great Britain. *Chicago*.
- Clifford A. L. Rich; B.F.S., Southern California, 1945; A.M., *ibid.*, 1946. The Growth of Political Institutions in the Italian Republic. *California*.
- Warren Roberts, Jr.; A.B., Emory, 1936; A.M., Princeton, 1939. The Decline of Liberalism in England. *Princeton*.
- Aoke Sandler; A.B., Southern California, 1943; A.M., *ibid.*, 1946. The Constitutional and Political Development of Sweden, 1921-1947. *U.C.L.A.*
- Wendell Schaeffer; B.S., Southern California, 1939; A.M., California, 1946. The Development of Government and Administration of Mexico. *California*.
- Robert E. Scott; A.B., Northwestern, 1945; A.M., *ibid.*, 1946. Theory and Practice of the Mexican Federal System—1910-1945; An Investigation of Methods of Federal Control of State Governments. *Wisconsin*.
- John Cunningham Sparks; A.B., Tulsa, 1932; A.M., Ohio State, 1937. An Analysis of the British Conservative Party, 1906-1939. *Ohio State*.
- Leo Clair Stine; B. Ed., Illinois State Normal University, 1939; A.M., Illinois, 1943. Economic Policies of the Commonwealth Government of the Philippines. *Illinois*.
- Malcolm G. Taylor; A.B., California, 1942; A.M., *ibid.*, 1943. Organization and Administration of the Saskatchewan Hospital Service Plan. *California*.
- Clarence E. Thurber; A.B., Stanford, 1943. The Administration of Economic Planning in the Soviet Union. *Stanford*.
- Lester W. Trueblood; B.S. Ed., Indiana State Teachers College, 1933; A.M., Clark, 1936. Political Geography of Burma. *Clark*.
- August Velletri; A.B., Ohio State, 1944; A.M., *ibid.*, 1944. An Analysis of the Christian Democratic Party Movement in Italy. *Ohio State*.
- Manfred C. Vernon; Referendar, Cologne, 1929; Assessor, Berlin, 1933. Government and Politics of Holland. *Stanford*.
- John Rodney Williams; A.B., Lawrence, 1944; A.M., Johns Hopkins, 1947. The Conservative Party of Canada, 1918-1948. *Duke*.
- John J. Wuest; A.B., U.S.C., 1941; A.M., *ibid.*, 1943. Soviet Balkan Diplomacy, 1917-1941. *U.C.L.A.*
- Phoebe Yu; A.B., National Central University of China, 1938; A.M., Wellesley, 1943. A Comparison of the British and American Personnel Systems. *Chicago*.
- Evelyn Yuen; A.B., Rockford College, 1942. The Chinese Foreign Office. *Northwestern*.

INTERNATIONAL ORGANIZATION, POLITICS, AND LAW

- Freeland Knight Abbott*; A.B., Tufts, 1942; A.M., Fletcher School, 1947. United States Policy in the Near-Middle East, with Special Attention to Oil. *Fletcher School*.
- Luther A. Allen*; A.B., Williams, 1941; A.M., Iowa, 1942. The Attitude of French Political Parties Toward the Soviet Union, 1933-1939. *Chicago*.
- Eliece Aiman Altroggen*; A.B., Vassar, 1941; A.M., Chicago, 1944. Power Politics Concerning Sinkiang, 1860-1946. *Chicago*.
- James D. Atkinson*; B.S., Indiana, 1939. The London Naval Conference of 1930. *Georgetown*.
- Robert Shillingford Babcock*; A.B., Rochester, 1937; A.B., Oxford, 1939. International Federation. *Northwestern*.
- Arthur C. Banks, Jr.*; B.S., St. John's University, 1939; A.M., New York University, 1945. International Law and the Second World War. *Johns Hopkins*.
- Curt Frederic Beck*; A.B., Cornell, 1943; A.M., Fletcher School, 1944. The Search for Security of a Small State, with Special Reference to Czechoslovakia's Foreign Policy, 1918-1938. *Harvard*.
- John A. Bekker*; A.B., Kansas, 1934; A.M., *ibid.*, 1935. The Soviet Union and World Organization. *Chicago*.
- Alvin LeRoy Bennett*; B. Ed., Western Illinois State Teachers College, 1939; A.M., Illinois, 1946. Development of Intellectual Coöperation under the League of Nations and United Nations. *Illinois*.
- Helen A. Blackway*; B.S., Pennsylvania, 1944; A.M., *ibid.*, 1945; A.M., School of Advanced International Studies, 1947. Ideas and Opinion Determinants in Foreign Policy Issues. *Pennsylvania*.
- Philip Low Bridgham*; A.B., Grinnell, 1942; A.M., Fletcher School, 1947. American-Korean Relations, 1866-1948. *Fletcher School*.
- Rosarah Marcene Campbell*; A.B., U.C.L.A., 1945. The International and Constitutional Status of Native States. *U.C.L.A.*
- George Allan Carroll*; B.S., Louisiana State, 1939; A.M., Fletcher School, 1947. The Foreign Policy of the United States, 1917-1947. *Fletcher School*.
- John L. Chase*; A.B., Harvard, 1939; A.M., *ibid.*, 1940. The Formulation of American Post-War Policy toward Germany, 1943-1948. *Princeton*.
- Kwen Chen*; LL.B., National Central University of China, 1939; A.M., Michigan, 1946. Legal Status, Privileges, and Immunities of the United Nations, Its Related Organizations and their Personnel. *Michigan*.
- I-Kua Chou*; LL.B., National Fuh Tan University, 1942; A.M., Fletcher School, 1946; M.A.L.D., *ibid.*, 1947. American Foreign Policy in China, 1933-1939. *Fletcher School*.
- Inis L. Claude, Jr.*; A.B., Hendrix, 1942; A.M., Harvard, 1947. The International Protection of National Minorities after the Second World War. *Harvard*.
- James L. Colbert*; A.B., British Columbia, 1938; A.M., Columbia, 1940. The Supply Operation of UNRRA, with Particular Reference to Industrial Rehabilitation. *Columbia*.
- Edwin Costrell*; A.B., Maine, 1938; A.M., *ibid.*, 1939. How America Viewed the World War, 1914-1917. *Clark*.
- L. Gray Cowan*; A.B., Toronto, 1943; A.M., Columbia, 1944. French and German Claims to the Saar Basin, 1680-1947. *Columbia*.
- Clark Nixon Crain*; A.B., Colorado, 1939; A.M., *ibid.*, 1940. Migration in the Relations of the United States and Mexico. *Clark*.

- Cleveland C. Cram, Jr.; A.B., Johns Hopkins, 1938; A.M., Harvard, 1948. The Foreign Relations and Political Development of Ireland Since 1936. *Harvard*.
- Arthur Cheever Cressy, Jr.; A.B., Tufts, 1944; A.M., Fletcher School, 1945. Canadian-American Relations, 1939-1945. *Fletcher School*.
- John H. Davenport; B.S., Northwestern, 1944. Distinction of the Just and Unjust War from Grotius to the Present. *Northwestern*.
- Brewster Castberg Denny; A.B., University of Washington, 1945. International Cultural and Intellectual Coöperation, with Emphasis on UNESCO. *Fletcher School*.
- Louis A. DeSanti; A.B., Amherst, 1947; A.M., Columbia, 1948. U.S. Relations with Italy under Fascism, 1922-41. *Columbia*.
- Edwin Knox Dole; A.B., Pacific University, 1932. The Policy of the United States of Granting Aid Short of War to Nations Victims of Aggression. *Stanford*.
- John C. Donovan; A.B., Bates, 1942; A.M., Harvard, 1948. Congress and Neutrality Legislation, 1935-1939. *Harvard*.
- S. William Dowe; A.B., Lafayette, 1941. The Politics of the St. Lawrence Seaway and Power Development Project in the United States and Canada, 1900-1948. *Princeton*.
- Arthur Butler Dugan; A.B., Princeton, 1932; A.M., *ibid.*, 1933; B. Litt., Oxford, 1935; Diploma in Economics and Political Science, *ibid.*, 1936. Parliamentary Opinion of the League of Nations from 1918 to 1938. *North Carolina*.
- Dieter Dux; A.B., Chicago, 1939. German Ideas of International Organization. *Chicago*.
- Martin B. Dworkis; A.B., Michigan, 1940; A.M., *ibid.*, 1941. An Analysis of Proposals for World Government. *New York University*.
- George B. Dyer; Ph.B., Yale, 1925; A.M., Pennsylvania, 1948; and Charlotte L. Dyer; A.B., Barnard, 1931; A.M., Pennsylvania, 1948. Intelligence and Counter-Intelligence Methods and Operations, World Wars I and II. *Pennsylvania*.
- Charles Pastene Edwards; A.B., Bowdoin, 1941; A.M., Fletcher School, 1946. The United States and Italy, 1935-1945. *Fletcher School*.
- Nicholas Efimenko; A.B., Minnesota, 1937; A.M., *ibid.*, 1940. The Mandate Principle and Its Future Application in International Organization. *Minnesota*.
- Walter O. Filley, Jr.; A.B., Yale, 1942; A.M., *ibid.*, 1947. Foreign Policy in Multi-National Democratic States; The Influence of Non-Dominant Nationality Groups. *Yale*.
- Anne Byrd Firor; A.B., Georgia, 1941; A.M., Northwestern, 1944. Representation in International Organizations. *Northwestern*.
- Wesley R. Fishel; B.S., Northwestern, 1942. The Abolition of Extraterritoriality in China. *Chicago*.
- William W. Fitzhugh, Jr.; A.B., Dartmouth, 1935; A.B., Cambridge (England), 1937; A.M., *ibid.*, 1940. Population and Peace. *Columbia*.
- Clayton D. Ford; A.B. Minnesota, 1929; A.M., *ibid.*, 1930. The Open Door Doctrine in Sino-British Relations. *Minnesota*.
- Anthony Galatoli; A.B., Cairo, 1943; A.M., Columbia, 1947. Egypt among the Powers. *Columbia*.
- Richard Freeman Gardner; A.B. Bowdoin, 1942; A.M., Fletcher School, 1947. The Relations of the United States and Spain from 1898 to 1948. *Fletcher School*.
- Meredith Gilpatrick; Ph.B., Chicago, 1925; LL.B., *ibid.*, 1928. Military Strategy on the Western Front, 1914-1918. *Chicago*.
- Charles D. Goff; Ph.B., Wisconsin, 1938; A.M., Northwestern, 1941. Legislative Purpose of Neutrality Acts. *Northwestern*.
- Wesley Larson Gould; A.B., Baldwin-Wallace, 1939; A.M., Ohio State, 1941. Consent and International Obligation. *Harvard*.

- George Grassmuck; A.B., U.C.L.A., 1941; A.M., *ibid.*, 1943. Sectional Biases in Congress on Foreign Policy. *Johns Hopkins*.
- Frances Anderson Gulick; A.B., Linfield, 1940; A.M., Fletcher School, 1941. United States Economic Policy toward China; An Evaluation of Economic Policy and Practice in Relation to our Objectives. *Fletcher School*.
- Robert R. Hackford; A.B., Harvard, 1942; A.M., *ibid.*, 1948. United States International Civil Aviation Policy. *Harvard*.
- Ellen Hammer; A.B., Barnard, 1941; A.M., Columbia, 1942. France among the Powers. *Columbia*.
- Frederick H. Hartmann; A.B., California, 1943. Press Opinion in Switzerland on Swiss Neutrality. *Princeton*.
- Roberto Herrera, Jr., A.B., Dartmouth, 1943; A.M., Columbia, 1945. Latin American Territorial Disputes in International Law. *Columbia*.
- Wilhelm G. Hertz; Ph.D., Munich, 1910; Dr. of Pol. Sci., Geneva, 1935. The Swiss Conception of International Law. *Columbia*.
- John Charles Hogan; A.B., U.C.L.A., 1942. The Development of Prize Law in World War II. *U.C.L.A.*
- Vincent Paul Hogan; A.B., Notre Dame, 1942. Neutrality of Eire in World War II. *Notre Dame*.
- Alfred J. Hotz; A.B., Heidelberg, 1932; A.M., Ohio State, 1935. American Liberalism in World Politics since World War I. *Chicago*.
- Wallace Irwin, Jr.; A.B., Princeton, 1940. The Evolution of Lend Lease, 1939-1941. *Princeton*.
- Richard W. Jennings; A.B., Park, 1927; A.M., Pennsylvania, 1933. The Bering Sea Arbitration; A Study of the International Judicial Process. *California*.
- Robert H. Johnson; A.B., Concordia, 1942; M.S., Syracuse, 1943. The United States and UNRRA. *Harvard*.
- Paul M. Kattenburg; B.S., North Carolina, 1943; A.M., George Washington, 1946. Transition in Indonesia, 1945-48; Its Impact on World Politics. *Yale*.
- Hattie Masuko Kawahara; A.B., Mt. Holyoke, 1943; A.M., *ibid.*, 1945. The Relations between the United States and Japan from 1931 to 1941. *Minnesota*.
- George H. Kelly; A.B., California, 1937; A.M., Stanford, 1940. The Union Française and French Colonial Policy. *Stanford*.
- Robert M. W. Kempner; J.D., Breslau University (Germany), 1923. German-Soviet Relations, August, 1939, to June, 1941; A Survey of Political and Military Problems and Soviet-German Rapprochements. *Pennsylvania*.
- Marie Stuart Klooz; A.B., Sweet Briar, 1923; A.M., Columbia, 1939. State Responsibility for Acts of Individuals under Fascism. *Columbia*.
- Norman Kogan; A.B., Chicago, 1940. Italian Foreign Relations from the Fall of Mussolini to the Peace Treaty. *Chicago*.
- Maximilian Koessler; Dr. Juris., Czernowitz (Austria), 1912; A.M., Columbia, 1941. The Nationality of Commercial Corporations. *Columbia*.
- Arnold J. Kuhn; A.B., Chicago, 1937; A.M., *ibid.*, 1946. The State Department's Presentation to the American People of American-Soviet Relations, 1945-1946. *Chicago*.
- *Mahmut Nedim Lacin; A.B., Robert College, Istanbul, Turkey, 1936; M.B.A., Southern California, 1937. The Importance of the Straits in the Foreign Relations of the Turkish Republic. *Southern California*.
- Augusta Lansing; A.M., Fordham, 1941. The Nature of Czechoslovakia's Foreign Policy. *Chicago*.
- Lawrence Lesley Lazar; Ph.B., Wisconsin, 1943; A.M., Fletcher School, 1945. The Development of United States Economic Policy since 1933 towards Argentina,

- Brazil, Chile, and Uruguay, with Special Reference to Their Internal and International Position. *Fletcher School*.
- Solomon Lebowitz; B.S., Boston University, 1942; A.M., Harvard, 1943. United States Military Government in Germany. *Harvard*.
- Shao-Chuan Leng; A.B., National Central University, China, 1943; A.M., Yale, 1947. From Cairo to Yalta; An Appraisal of Roosevelt's Policy Toward China. *Pennsylvania*.
- Ruth Berg Levine; A.B., Minnesota, 1919; A.M., *ibid.*, 1943. The Political Aspects of Zionism. *Minnesota*.
- Paul Ta-Kuang Lin; A.B., Michigan, 1943; A.M., Fletcher School, 1944. Problems in the Policy of the British Commonwealth toward the Japanese Empire, 1921-1941. *Harvard*.
- *Goethe M. Lindblad; A.B., Southern California, 1941. Background, Effects, and Consequences of the Cripps Mission to India. *Southern California*.
- Marion Virginia Littlefield; A.B., Stanford, 1931; A.M., *ibid.*, 1932. Army Air Force Aërial Photography in Latin-American Diplomacy. *Stanford*.
- Robert Eugene Lorish; A.B., Muhlenberg, 1941; A.M., Fletcher School, 1942. Britain's Search for Security in the United Nations Organization. *Fletcher School*.
- Philip H. Lowry; A.B., Princeton, 1939; A.M., Yale, 1942. Woodrow Wilson and Mexico. *Yale*.
- Ghislaine Mary Lovell; B.S., William and Mary, 1944; A.M., Fletcher School, 1945. The Problem of Security in Franco-American Relations from 1918 to the Present. *Fletcher School*.
- Charles H. McLaughlin; A.B., Denver, 1929; A.M., *ibid.*, 1934; LL.B., Harvard, 1935. Historical Influences in the Law of Treaty Interpretation. *Columbia*.
- Frederick J. Mann; A.B., Columbia, 1933; A.M., *ibid.*, 1935. Sovereignty in the Antarctic. *Columbia*.
- Curtis W. Martin; A.B., New Mexico, 1938; A.M., *ibid.*, 1940. The Theory and History of the Functional Approach of International Organization. *Harvard*.
- Edward Grant Meade; A.B., Dartmouth, 1935; A.M., Wisconsin, 1936; M.A.L.D., Fletcher School, 1938. A Military Government Experiment in Korea. *Pennsylvania*.
- Milan Ernest Hapala; A.B., Beloit, 1940; A.M., Nebraska, 1941. Czechoslovak-Russian Relations Since World War I. *Duke*.
- Inez Nelson; A.B., Chicago, 1940. The Security of Small States. *Chicago*.
- Louis Nemzer; A.B., U.C.L.A., 1936. The Structure of the Soviet Propaganda Organization. *Chicago*.
- Betty Lou (Dickens) Neuhart; A.B., College of Wooster, 1945; A.M., Fletcher School, 1946. International Relations in the Harding-Coolidge Era. *Fletcher School*.
- Janet Lippe Norwood; A.B., New Jersey College for Women, 1945; A.M., Fletcher School, 1946. The Concept of Domestic Jurisdiction in International Organization. *Fletcher School*.
- Grady Harrison Nunn; A.B., Oklahoma, 1939; A.M., *ibid.*, 1941. International Administration in the Western Hemisphere. *New York University*.
- Thomas Billing Oberlütner; A.B., Southern California, 1946; A.M., California, 1947. The Relations of the United States and Mexico since 1925. *Stanford*.
- Roscoe R. Oglesby; A.B. Georgetown (Ky.), 1925; A.M., Virginia, 1934. Applications of International Law under Conditions of Civil Strife. *Duke*.
- Ernest J. Oppenheimer; A.M., Chicago, 1946. A Comparative Study of the Opinions Expressed in Selected American, British, French, German, and Russian Journals Regarding the Sino-Japanese Conflict, 1931-1932. *Chicago*.

- Whitney Trow Perkins; A.B., Tufts, 1942; A.M., Fletcher School, 1947. American Policy in the Governance of Non-Self-Governing Areas. *Fletcher School*.
- Keith Stuart Petersen; A.B., Williams, 1945. The United States, Great Britain, and the Far Eastern Crisis of 1931-33. *Chicago*.
- Robert John Peterson; B.S., Northwestern, 1943. The Status of Manchuria since 1931. *Chicago*.
- Adamantia Pollis; A.B., Hunter, 1943; A.M., Johns Hopkins, 1946. British Policy on Greece. *Johns Hopkins*.
- Janus Poppe; B.S., Georgetown School of Foreign Service, 1945; A.M., Georgetown, 1947. Political Developments in the Netherlands East Indies During and Immediately After the Japanese Occupation. *Georgetown*.
- Francis C. Prescott; A.B., Colby, 1938; A.M., Tufts, 1940. The Lansing-Ishii Agreement. *Yale*.
- Ladislav F. Reitzer; LL.D., University of Budapest, 1936; Ph.D., University of Geneva, 1938. U.S.-Russian Economic Relations, 1917-1933. *Chicago*.
- John Stephen Reshetar, Jr.; A.B., Williams, 1945; A.M., Harvard, 1946. Ukrainian Nationalism. *Harvard*.
- S. Grover Rich; A.B., Utah, 1940; A.M., Stanford, 1943. Inter-American Machinery for Collective Security. *Stanford*.
- Albert H. Rosenthal; A.B., Denver, 1936; A.M., Minnesota, 1938. Administrative Problems in the Establishment of the United Nations Educational, Scientific, and Cultural Organization. *Harvard*.
- Franklin Roudybush; B.S., Georgetown School of Foreign Service, 1930; A.M., George Washington, 1943. A Critical Analysis of the Administration of the Department of State and the Foreign Service in Relation to the Background and Experience of Ambassadors, Ministers, and Professional Personnel. *Georgetown*.
- Marina Salvin; A.B. Barnard, 1940; A.M., Columbia, 1943. The Soviet Challenge in the Balkans. *Columbia*.
- Isamu Sato; A.B., Hawaii, 1934. The Impact of International Relations upon the Government and Politics of Japan. *Chicago*.
- Steven E. Schanes; A.B., State Teachers' College, Montclair, N.J., 1943. The Organization of International Air Transport, 1945-1947. *Cornell*.
- N. B. Schoenfeld; A.B., U.C.L.A., 1940; A.M., *ibid.*, 1942. Strategic Raw Materials and American Policy. *Pennsylvania*.
- Esther Seeman; A.B., Goucher, 1943; A.M., Minnesota, 1945. The Administration of the Minorities Treaties by the League of Nations and its Implications for the United Nations. *Minnesota*.
- Harry Hersh Shapiro; A.B., Penn. State, 1928; A.M., Pennsylvania, 1932. Interpretation of the Non-Intervention Principle Following the Buenos Aires Conference of 1936, with Particular Reference to Mexico. *Pennsylvania*.
- Stanley S. Sigur; A.B., Wayne, 1939; A.M., Michigan, 1940. International Law and Rights to the Fisheries and Subsoil of the Continental Shelf. *Michigan*.
- Harnam Singh; A.M., Lucknow University (India), 1939; LL.B., *ibid.*, 1940; Ph.D., *ibid.*, 1943. American Public Opinion about the Government and Politics of India from 1919 to 1939. *Georgetown*.
- Katherine B. Sohler; A.B., Radcliffe, 1941; A.M., Yale, 1943. English Schools of Thought on Continental Intervention, 1848-1878: Conceptions and Assumptions Regarding the Balance of Power, the Non-intervention Policy, the British Interest in European Peace. *Yale*.
- Ernest Henry Sorotskin; A.B., Chicago, 1939. Allied Occupation of Berlin, 1945-1948. *Stanford*.

- David J. Steinberg; Ph.B., Vermont, 1939; A.M., Harvard, 1941. Foreign Procurement and the Stockpiling of Strategic Materials. *Harvard*.
- Jonathan Dayton Stoddart; A.B., Cornell, 1946; A.M., Fletcher School, 1947. The Influence of Immigrant Groups on United States Foreign Policy. *Fletcher School*.
- Harley J. Stucky; A.B., Bethel, 1941; B.D., Garrett Biblical Institute, 1944; A.M., Northwestern, 1947. International Control of Atomic Energy. *Northwestern*.
- Yao-ting Sung; A.B., Chinese National Northwestern University, 1940. Sino-Tibetan Relations under the Republic. *Minnesota*.
- Samuel Laird Swagert; A.B., Western Illinois State Teachers College, 1935; A.M., Iowa, 1938. International Negotiations in Support of American Air Routes. *Iowa*.
- Richard N. Swift; A.B., Harvard, 1943; A.M., *ibid.*, 1948. The Public Information Department of the United Nations. *Harvard*.
- *Kline R. Swygard; A.B., Washington, 1935. The International Fisheries Commission; A Study in International Administration. *Washington* (Seattle).
- Shen Hao Tang; A.M., Columbia, 1947. Russian and Soviet Policy in Manchuria and Outer Mongolia, 1911-1931. *Columbia*.
- Garold W. Thumm; A.B., Morris Harvey College, 1940; A.M., Pennsylvania, 1947. The Western Powers and the Future Régime of the Rhineland. *Pennsylvania*.
- Martin B. Travis, Jr.; A.B., Amherst, 1939; A.M., Fletcher, 1940. Evolution of the Pan-American Peace Structure. *Chicago*.
- Robert Warren Tucker; B.S., U. S. Naval Academy, 1945. The Problem of Individual Responsibility in International Law. *California*.
- Erwin Walther Umbach; A.B., Queens, 1946; A.M., Fletcher School, 1947. A Study of the Foreign Relations of the United States with Austria. *Fletcher School*.
- Juliane von K. Valentin; J. D., University of Vienna, 1936. German-Japanese Relations in the Period between the Two World Wars. *Pennsylvania*.
- G. Hanse Voelkel; A.B., N. Y. U., 1935; J.D., 1936; J. S. D., 1938. Interposition of States on Behalf of Nationals Having Interests in Foreign Corporations. *Columbia*.
- Frederic A. Weed; A.B., N. Y. State College for Teachers, 1940; A.M., Columbia, 1941. The International Legal Position of the Philippine Islands. *Columbia*.
- Lawrence Duffield Weiler; A.B., Utah, 1942; A.M., Stanford, 1947. Representation and Voting Procedure in International Political Organizations. *Stanford*.
- Gregory Baker Wolfe; A.B., Reed, 1943; A.M., Fletcher School, 1947. Pan-American Solidarity; Idea and Reality. *Fletcher School*.
- Chiang Hwa Woo; A.B., Central Political Institute (Nanking), 1937; A.M., California, 1945. The Pacific Settlement of Disputes by the Security Council. *California*.
- Amos Yoder; A.B., Ohio Wesleyan, 1942. The Problem of the Ruhr in the Peace Settlement. *Chicago*.

BOOK REVIEWS AND NOTICES

Francis Lieber: Nineteenth-Century Liberal. BY FRANK FREIDEL. (Baton Rouge: Louisiana State University Press. 1947. Pp. xiii, 445. \$4.50.)

This volume is an important supplement to previous writings on Lieber by Perry (1882), Harley (1899), Phinney (1918), and the Dorfman-Tugwell study in 1938. It is based on a wide range of Lieber manuscripts in many libraries.

The varied and stormy events in the life of Lieber are vividly presented by the author and throw much light on the evolution of his political philosophy. Probably no mere "professor" in the nineteenth century had as rich and exciting a life as the German immigrant whose name is perpetuated by the Lieber professorship in history and political philosophy at Columbia University.

Attention is given to Lieber's Germanic origins, particularly his relationship with Schleiermacher, and also Niebuhr, whose influence upon Lieber has long been recognized. "The religio-political ideas of Schleiermacher and Jahn," says Freidel, "largely filled the mind of Lieber" (p. 22), particularly arousing his nationalistic enthusiasm and emphasizing the importance of the individual in relation to the community. This influence is reflected in Lieber's *Political Ethics* particularly.

The argument for nationalism was, of course, a basic part of Lieber's political and philosophical activities—all the more remarkable in view of his long experience with South Carolina and states' rights. His emphasis on the "organic" theory of nationalism was one of the important contributions made in the great struggle over the nature of the Union.

Freidel also calls attention to less well known aspects of Lieber's politics, namely, his bitter criticism of Thomas Jefferson—"a most mischievous ferret"—"the very underminer of the Union." Likewise his attack upon Darwin and Darwinianism was very savage. The author points out Lieber's unfriendly attitude toward feminism, which he maintained would lead inevitably to "promiscuous intercourse of the sexes" and to communism of goods (p. 416). Likewise, the organized labor movement was shocking to Lieber.

As an informative book dealing with the daily life of a dynamic personality, Freidel's treatise is of great value. The relation between Lieber's political philosophy and his political experience is far more difficult to expound, and the author may well be pardoned for not presenting a complete and unassailable "elucidation." No one has done any better, or as well. For those interested in the development of American political thought, this volume is of very great value.

CHARLES E. MERRIAM.

University of Chicago.

The Administrative State; A Study of the Political Theory of American Public Administration. BY DWIGHT WALDO. (New York: Ronald Press Company. 1948. Pp. viii, 227. \$5.00.)

Of all political scientists, students of public administration have been under the greatest pressure to keep their feet on the ground, to be practical, to apply social science as the engineer applies physical science. Such students would be thought to be at the opposite end of the political science spectrum from the political theorists. Now Professor Waldo has made the perilous trip from the spectral realm of political theory to the reddish-hued practical world of public administration.

The result is a major contribution to the literature of public administration. Whether the administration student spends his waking hours preaching the merit system, counting manhole covers, or delightedly tearing up the administrative "principles" enunciated by his seniors, he is acting on premises that need to be exposed and tested. Waldo has articulated and appraised these largely inarticulate premises. It will occasion no wonder that there is a difference in appearance of the same phenomena viewed through the rose-colored glasses of devotees of the administrative cult and viewed through the jaundiced eye of a political theorist.

The book has three parts. The first, concerned with the rise of American public administration as a field of study, reviews the relevant social, economic, and ideological trends of recent American history; the personnel training, research, and administrative reorganization movements; and the influence of business and the scientific management movement on public administration. In the second part, five "problems of political philosophy" are chosen as *foci* for analysis of the literature of public administration. These are "the good life" (*i.e.*, ultimate values and the ends of the state), the criteria of action, the selection and function of administrators, the separation of powers, and centralization versus decentralization. The concluding chapters, constituting Part III, are devoted to a critique of such fundamental concepts as principles of administration, the theory of organization, scientific method in the study of public administration, and the deification of economy and efficiency.

Waldo's approach is so stimulating and so basic to the proper orientation of public administration that it invites an extended response by some student of administration. Here there can be only a suggestion of the subjective responses of one student to the Waldo stimuli. The focus is on ideas in the abstract, as may be appropriate in political theory. But as a result, all writers on public administration tend to be hustled together into a mass, without clear groupings in terms of the era for which they wrote, or the governmental level they were considering. In Professor Waldo's scale of pleasure-pain values, iconoclasm ranks high in pleasure content.

Iconoclasts are among our most valued scholars. But it is a bit dismaying to find the hortatory advocates of "good government," the scholars who seek to build a science of public administration, and the pragmatists all condemned.

A fine bibliography both in extensive footnotes and in a special listing will prove of exceptional value to students. Yet the treatment of contributors to the literature has some curious features. Although several minor figures are given attention, such a thoughtful and influential writer as Arthur W. Macmahon is wholly neglected. Understandably, the principal books and articles consulted dealt with broad aspects of administration. However necessary this was to reduce his task to manageable proportions, Waldo has had to neglect the bulk of careful studies of specialized problems and particular agencies and programs. Many of these studies have theoretical significance apart from their more limited concerns.

The distinction between staff and line seems to be dismissed both in the identification of administrators as a ruling class comparable to Plato's guardians, and in the failure to note the important pressure for strengthening line agencies *vis-à-vis* staff agencies.

One question of approach remains. To what extent should writers on public administration be condemned for sharing the spirit of the age, for failing to revolt and blaze new trails in the reconciliation of ultimate values and scientific study of means to assumed ends, or for taking time to move out of an anti-principles empiricism to a new synthesis of public administration? A sense of history and a consciousness that public administration is a specialized field of applied social science would lead, it would seem, to a more tolerant view of the derivative character of the political theory that finds expression among students of public administration.

It is easy to raise questions such as these. They are minor, though, in relation to a pioneering work of the high quality of *The Administrative State*. It will force the tillers of the field of public administration to reexamine critically the quality of their soil and the sharpness of their tools. Premises should not go unchallenged. Professor Waldo has formulated the long-needed challenge, and the result should be a more soundly grounded literature of public administration.

JAMES W. FESLER.

University of North Carolina.

Governmental Costs and the Tax Level. BY LEWIS KIMMEL. (Washington: Brookings Institution. 1948. Pp. iv, 135. \$2.50.)

At one time, the National Industrial Conference Board prepared and published with fair regularity volumes on the cost of government in the United States. The authors usually related their data to the tax problem.

Now the Brookings Institution, with Dr. Kimmel, has taken over this important service. The new series has the important innovation that it is concerned mainly with a projection of expenditures and revenues into the future. No doubt, the innovation reflects the new interest in fiscal planning. With 1946 as its base year, this volume estimates budgets for 1952.

Of course, nothing like precision is claimed for the product. Defense expenditures are placed at a probable 9.5 billions and foreign loans and relief at one billion. If this seems conservative in view of present trends, the acceptance of federal aid for general education and housing in the estimates may be cited on the other side.

The summary table shows a probable total federal outlay (exclusive of social security) of \$26,050 millions and a total for all governments of \$40,500 millions. To this may be added \$2,500 millions for social security. The total is 24.8 per cent of projected national income (\$175 billions).

On the surface, says the author, this looks like an optimistic picture: the projected outlays are six to eight billion dollars less than estimated expenditures for the present fiscal year, which is itself estimated to yield a substantial surplus. Nevertheless, federal finances are precarious because (1) they are based upon an intense boom that cannot be expected to continue, and (2) they encounter a persistent demand for tax reduction (some of which has been realized since this book was published).

The author stresses the fact that our federal revenue system is highly cycle-sensitive. A drop in production means a larger drop in national income, which means a larger drop in the income tax base, which means a still larger drop in income tax receipts. A twenty per cent decline in national income would perhaps involve a thirty per cent drop in revenues, which would turn a projected surplus into a ten-billion-dollar deficit.

In his revenue analysis, to which the second half of the book is devoted, the author includes an estimate of the losses that would follow from various income tax changes, personal and corporate. Like all other analyses of these factors, he concludes that the elements of coverage and starting rate for the personal tax are of paramount significance for the revenue. Priority for corporate tax reduction is suggested.

The analysis of state and local taxation shows some prospective gains for the sales tax as a result of four new states entering this field in 1947. The property tax, notwithstanding allegations that it has reached the limit of its elasticity, is destined to expand substantially. Municipalities do not have many available alternatives and are under pressure. Both assessments and rates are rising and will rise.

The book provides a very useful look into the public-finance future. While it involves extensive statistical calculations that a reviewer cannot retrace, it appears to be done with due care. One or two passages are extremely difficult to follow (for instance, the explanation of the probable

level of the 1952 public debt on p. 48). The author might have paid his respects to the view that a substantial drop in national income *calls* for a federal deficit (built-in flexibility). But the warning against overly sanguine tax-reduction programs is very timely and sound.

HAROLD M. GROVES.

University of Wisconsin.

City, Region, and Regionalism; A Geographical Contribution to Human Ecology. BY ROBERT E. DICKINSON. (New York: Oxford University Press. 1947. Pp. xv, 327. \$4.75.)

This volume in the International Library of Sociology and Social Reconstruction, formerly edited by the late Dr. Karl Mannheim, should have a wide appeal. Students of local government, general public administration, public planning, geography and sociology, among others, will find it interesting, although none is likely to find his curiosity and his appetite for a discussion of regionalism entirely satisfied within the limits of this rather small book.

The author, a Reader in Geography at the University of London, has also to his credit a more intensive study entitled *Regions of Germany*. To him, "a region is an area which is homogeneous in respect of some particular set of associated conditions, whether of the land or of the people" (p. 1). Under a definition so generously broad, many different types of entities, large and small, might be classed as regions. In fact, however, the author adopts a viewpoint that narrows somewhat the field of the discussion. In his own words, "the theme of the book is the concept of the nucleated settlement, whether village, town or city, or city sub-center as a focus of human activity and organization in the service of a surrounding tributary area. Such an area, through the welding force of its centre, acquires a degree of homogeneity which permits of its being regarded as a natural social unit or community space-grouping. This space-grouping is a fundamental characteristic of society . . ." (Preface). Areas or entities that do not have such centers receive relatively little attention.

The breadth of the author's definition of a region is matched in some degree by the wide extent of the writings on regionalism, European, English, and American, that he surveys. Cited and quoted are, for example, the contributions of such well-known American scholars as E. W. Burgess, N. S. B. Gras, J. H. Kolb, R. D. McKenzie, H. W. Odum, and Dwight Sanderson. The works of various English and Continental writers are also passed in review. To many readers, this analysis of important publications on the subject of regionalism will make the work especially valuable. Numerous maps and diagrams also serve to increase the usefulness and the interest of the text.

At the same time, the reviewer failed to find in the book any great

clarification of the various concepts of region and regionalism; nor is the special contribution of geography to the study of regionalism brought out in sharp relief. Economists, historians, and sociologists as well as geographers have contributed to the concept of the nucleated settlement which is the theme of this book.

The author makes it clear, however, that he stands with other regionalists in not liking the political and administrative areas into which the nations and the world are now divided. The aim of regional studies is "the substitution of new geographical units for existing administrative units, which, as a legacy of the past, are quite unsuited to the requirements and structure of modern society" (p. 1). A "natural" unit or area for the present time is the thing desired. A "natural community" is geographic; it is economic; it may be several other things; but by an unstated assumption it is not political or administrative. As a result, the political and administrative needs and conditions of society are not analyzed to determine what a natural political or administrative unit might be. Herein lies one of the most serious deficiencies of many regional studies, and perhaps one of the reasons why plans for new regions so seldom achieve acceptance. To modify an old saying, the authors of such studies are in many cases trying to rewrite *Hamlet* without its main character.

WILLIAM ANDERSON.

University of Minnesota.

Thoughts on the Constitution. BY THE RT. HON. L. S. AMERY. (London and New York: Oxford University Press. 1947. Pp. xi, 166.)

This book, based on lectures given at Oxford University, is now in its second edition in England. It is already on its way to recognition as one of the few classics on the British constitution.

Bagehot wrote of the constitution as it appeared in a period of unexampled peace and prosperity. The present book deals with it in a period when Britain staggers through economic quicksands, beset—like all other democratic parliamentary systems—by grave external dangers. The trend towards wider political union in Western Europe makes more important than ever an understanding of the very real differences between the British constitutional system and parliamentary democracies struggling to survive on the Continent.

The writer of this book combines the qualities of statesman, man of action, and man of letters. The combination in itself is English enough; but the degree is unusual. Fellow of All Souls, barrister at law, Alpinist, correspondent of the *London Times* in the Boer War and later in Germany, member of the British General Staff in World War I, Mr. Amery has been for thirty-four years a member of Parliament, and half of those years in office. His major portfolios have been the Admiralty, Colonies, Dominion

Affairs, and India. His work at the India Office, from 1940 to 1945, contributed to Allied victory, as well as to political stability inside India on the basis of which independence became possible. In the years of office (as Whitehall knows better than the general public), few ministers have had a better grasp of principle and mastery of detail than the writer of this book; and few have worked as hard or as steadily in public office.

Thoughts on the Constitution consists of four sections entitled: "The Essential Nature of the Constitution," "How to Preserve Parliamentary Government"; "The Machinery of Government"; and "The Evolution of the British Commonwealth."

The first section is an illuminating historical analysis devoted to the relation of government to legislation, of the crown and the cabinet to Parliament. It shows how a misinterpretation which constitutional writers took from Bagehot seemed to identify parliamentary government with a weak executive. Mr. Amery points out that just because the British form of constitution is one in which "government as such is the first consideration," it could not easily be combined with systems based on "the prevalent Continental conception, derived from the French Revolution, of political power as a delegation from the individual citizen through the legislature to an executive dependent on that legislature." Such a system is "bound by its very nature to be weak and unstable." The English system, on the contrary, is government, not by Parliament, but "in and with Parliament Our system is one of democracy, but of democracy by consent and not by delegation, of government of the people, for the people, with [but not by] the people." Bagehot's description of the cabinet as a committee of Parliament corresponds to neither present facts nor past history. Mr. Amery illustrates the point by an interesting analysis of the process by which British cabinets over the past hundred years have actually been chosen. He concludes that "Government and Parliament, however closely intertwined and harmonized, are still separate and independent entities, fulfilling the two distinct functions of leadership, direction, and command, on the one hand, and of critical discussion and examination on the other. They start from separate historical origins, and each is perpetuated in accordance with its own methods and has its own continuity Parliamentary government means government, not by Parliament, but, to use the old phrase, government by the 'King in Parliament'."

The British system, as the author notes, has in fact achieved in a rare measure the strong executive without which modern parliamentary government cannot endure. Switzerland has achieved it by a different method—an executive elected by the legislature for its entire lifetime; the United States by still another method, the election—forms aside—of the chief executive by the whole people.

The chapter on Parliament deals with its evolution over the past fifty years and has important things to say on the growth of subsidiary legislation through orders in council and ministerial regulations, the advantages and drawbacks of a committee system of the American type, the reform of the House of Lords, and the supplementing of geographical by functional representation. The chapter on the machinery of government throws new light on the actual working of the cabinet system and analyzes the means whereby a government can plan ahead as well as conduct affairs from day to day.

In some ways, the long chapter on the evolution of the British Commonwealth is the most important part of the book. The more closely the United States is called upon to work with Britain and the British Commonwealth, the more important it is that leaders of American thought and action should read and understand this chapter. Mr. Amery was better qualified to write it than any other British statesman; for since 1911 he has been closest officially and in spirit to the main phases. The Imperial War Cabinet of the First World War was his suggestion. He was responsible for the creation of the separate Dominions (now Commonwealth Relations) Office. He prepared for and guided through the famous report of the 1926 Imperial Conference and its 1929 sequel, which laid the basis of the Statute of Westminster of 1931. His account of these events, though brief, is an important historical contribution.

Mr. Amery was not one of those who merely acquiesced in a Commonwealth formed of a family group of "freely associated" states, whilst still believing in some sort of imperial federation. He favors indeed a small permanent Commonwealth secretariat for liaison between cabinets. (One between Parliaments is also perhaps desirable). He notes the anomaly that such a secretariat does not exist within the family group, whereas it was accepted in the wider League of Nations and United Nations. The formula of the 1926 Imperial Conference, "unity of thought and coöperation in action," had long been the basis on which he had been working—for example, in building up parliamentary relations between the now thirty-nine parliaments of the Commonwealth and Empire. He tells too little of that story and nothing of his own part. (It is told in some detail in the reviewer's article in this REVIEW in December, 1942.) Incidentally, the expedient of "all party delegations," linked organically with the Imperial Conference of governments, which he suggests as desirable, was tried out successfully in 1937.

The passages that show the deepest insight are those on the crown and the monarchy, "the symbol of the unity and continuity of our national and Imperial life." They are not merely the *symbol*, but in many ways, direct and indirect, also an *instrument*. Twenty-two years ago, at Chatham

House, Mr. Amery outlined in a classical passage¹ the relation of the crown to the Commonwealth-wide citizenship (known as the "common status") which is based on the common allegiance to the king. In the last pages of the present book, he touches on the part of the monarchy and crown in uniting the Commonwealth and Empire by a "common family feeling" and a "wider patriotism."

He says rightly and well that there is "no such thing as a definite separation between Monarchy and Crown, no mere personal union of separate Crowns. . . . Constitutionally and legally, the British Empire, while in one aspect comprising a variety of governments, many of which work in complete independence and subject to no external authority, is also, in another aspect, one single, indissoluble body corporate composed of the King and his subjects." It is no accident that His Majesty's ministers in his different independent governments think of themselves as colleagues, for they are "fellow servants of the same Crown" and have and feel some sense of responsibility for the whole "body corporate." If these imponderables are as yet largely unknown to political science, it is a sign of how much still escapes through the coarse meshes of its net.

H. DUNCAN HALL.

British Embassy, Washington, D. C.

The Reshaping of French Democracy. BY GORDON WRIGHT. (New York: Reynal and Hitchcock. 1948. Pp. x, 277. \$3.50).

Although this first book on the Fourth Republic is intended for the general public, it will be welcomed by students of comparative government. Its main theme is the story of the painful birth of the new constitution, but it is also concerned with the main political forces at work in France since the liberation. The issues dividing the parties and their tactical maneuvers for position are ably described and interpreted. The book combines an objective viewpoint and sound judgment with a real knowledge of traditional issues and contemporary political figures and forces. The style is concise and sprightly, with frequent touches of humor. From the point of view of the student, it is regrettable that a more extensive bibliography has not been given and that footnotes have been omitted. Another legitimate criticism is that political leaders are often credited in the making of their decisions with a foresight that is hardly to be distinguished from Dr. Wright's hindsight.

The author shows how, after a long process of exhaustion, divided Frenchmen came to accept a constitution that basically resembled the one they had almost unanimously rejected the preceding year. The results

¹ Reprinted in A. Lawrence Lowell and H. Duncan Hall, *The British Commonwealth of Nations* (World Peace Foundation, 1927).

of the referendum are accurately described in one of Dr. Wright's well-borrowed witticisms: "All Gaul is divided into three parts: those who say reluctantly yes, those who say unconditionally no, and those who simply don't give a damn." The resurrection of the Third Republic, minus the Senate, was not surprising. As the author points out: "Between the partisans of a strong executive and the partisans of an omnipotent legislature, there was no common meeting ground, except the ground on which the Third Republic had been built. It was not so much by choice as by force of circumstances that the politicians eventually found themselves back there." Incidentally, the author would have walked on more solid constitutional ground if he had kept clear of the famous distinction between "parliamentary government" and "government by assembly," a distinction that belongs to the vocabulary of electoral campaigning rather than to that of constitutional theory.

Dr. Wright correctly points out that the imperfections of the present system are not the main issues that have divided opponents and friends of the new constitution. "The fundamental fact was that France was deeply divided on political, economic, social, and religious issues. The parties helped to maintain that division, but they were its consequence much more than its cause. Men like De Gaulle believed that France could not long survive such division, and that a degree of unity could be enforced through a constitutional mechanism plus the influence of a strong leader. Men like Léon Blum believed that France's division could be overcome only by a gradual evolutionary process . . . that time and returning prosperity might erode some of the internal barriers, allowing a coherent and stable majority to emerge." The reviewer agrees with Dr. Wright that the main difference between the Third and Fourth Republics results from the new system of monolithic parties rather than from the constitution itself. The indispensable stability of the government can now be assured under a cohesive majority. Given the importance of the new parties, it is to be regretted that the author has not given us a more careful analysis of the party system.

A study of current events is bound to suffer from a certain lack of perspective, and the cautious historian can hardly be blamed for avoiding dangerous generalizations. Still, it is unfortunate that an otherwise excellent narrative of the postwar crisis in France should lack the scope and depth of first-rate historical writing. The events described here would have carried greater significance had they been linked to others, both in time and in space. The interdependence of domestic and foreign policy could have been stressed to point out the universality and deeper meaning of the present ideological battle in France. The philosophical issues underlying the struggle of the three "forces" are only superficially sketched. Nor are the psychological, and more or less permanent, elements of weakness in

France's democracy sufficiently dealt with. As serious is the lack of an adequate treatment of France's economic and social problems, which are inseparable from the political issues. The Monnet Plan and the Marshall Plan are dismissed in a few lines, the nationalizations in a few pages.

In spite of its drawbacks, perhaps inevitable in the circumstances, Dr. Wright's book is a most useful contribution to the understanding of the Fourth Republic.

C. A. MICAUD.

University of Virginia.

The Spanish Story. BY HERBERT FEIS. (New York: Alfred A. Knopf. 1948. Pp. vii, 282. \$3.50.)

The author of this book served as Adviser on International Economic Affairs in the State Department from 1941 to 1944. As such, he followed at close range the inside story of the relations between Franco Spain and the two belligerent camps during the Second World War; and in this book he tells the story of these relations pieced together from American and captured Axis documents.

The story is a fascinating and instructive one for several reasons. There is Spain, miserably weak, with her sympathies on the Axis side, yet for her very life dependent upon British and American oil. There is Germany, whose war effort depended upon Spanish wolfram as the economic life of Spain depended upon British and American oil. There are Great Britain and the United States who, at least up to the beginning of 1944, had a vital interest in preventing Spain from throwing in her lot completely with Germany and delivering Gibraltar and Spanish North Africa to the German army. The story of these three-cornered relations is indeed a case study in Machiavellian power politics. Each of the participants had to exert pressure, but not too much, had to make concessions, but not too many; had to calculate how far the other side would yield, and stop just short of that breaking point. Whatever the shortcomings of the Franco régime, lack of diplomatic ability and of hardheaded deviousness are certainly not among them. Franco and his aides emerge from Mr. Feis' pages as consummate masters of the Machiavellian art. If one considers the precarious domestic and international position in which the Franco régime found itself in the years immediately after its victory over the republican government, one must indeed marvel at the dexterity with which it kept itself in power. It must, however, be noted that it could rely upon one powerful and unswerving ally: British foreign policy. And here lies the second lesson which Mr. Feis' book conveys.

On the eve of Franco's victory, on February 19, 1939, Neville Chamberlain wrote in his diary: "I think we ought to be able to establish excellent relations with Franco, who seems well disposed to us, and then, if the

Italians are not in too bad a temper, we might get Franco-Italian conversations going, and if they were reasonably amicable, we might advance towards disarmament." While the British policy which had first brought Franco into power and then kept him there was profoundly mistaken in view of the objectives which that policy had set for itself, it was pursued throughout the war by the Churchill government with single-mindedness, ability, and ultimate success. Mr. Feis' story shows with unprecedented clarity the at once supple and ruthless methods of British diplomacy, once it has set its sights on a certain objective. How British diplomacy was able to prevail over American opposition and draw American policy toward its own support is the third lesson which the student of foreign policy can learn from this book.

The crisis in American-British relations with regard to policy toward Spain occurred in April, 1944, over the issue of forcing Spain to stop the export of war materials to Germany through stopping the flow of oil to Spain. Mr. Hull was in favor of forcing the issue; Mr. Churchill was in favor of compromise. It was Mr. Churchill's policy that won. The methods by which that victory was won provide a typical example of the traditional strength of British diplomacy over against the traditional weakness of American diplomacy in their mutual relations. Mr. Churchill fought his war with the peace settlement in mind, and however mistaken his conception of the British national interest may have been in the Spanish question, it was at least a conception of the British national interest which guided him. On the side of Mr. Hull, there was only a vague notion of what was right and moral indignation, and thus he became the unwilling second to a British policy of which he did not approve, but which he did not know how to oppose.

The pattern which the crisis of April, 1944, reveals is a typical one, multiplied many times before and since. That pattern carries for the framers of American foreign policy a lesson by far transcending in importance the concrete issue on which it arose. Mr. Feis deserves our gratitude for having made that pattern clear for all to see.

HANS J. MORGENTHAU.

University of Chicago.

Russia in Flux. BY SIR JOHN MAYNARD. Edited and Abridged by S. Haden Guest, from *Russia in Flux* and *The Russian Peasant and Other Studies*. With a Foreword by Sir Bernard Pares. (New York: The Macmillan Company. 1948. Pp. xviii, 564. \$6.50.)

Amid the deluge of superficial, and often emotionally biased, books produced on Soviet Russia, Sir John Maynard's study stands apart as a monument of honesty, scholarship, and erudition.

In twenty-seven chapters of his bulky volume, Maynard discusses

many aspects of Russian life and history during the nineteenth and twentieth centuries. He covers a wide range of topics such as peasantry, intelligentsia, the Church, philosophical trends, the revolutions of 1905 and 1917, with a thorough discussion of the Soviet experiment.

The book is written almost entirely without footnotes and with only few documentary references—the privilege, no doubt, of a writer whose authority on the subject is so well established. Maynard's style is not popular; lengthy sentences require special concentration to grasp their significance. But the book is not written for mass consumption. It is addressed to the advanced student of Russia; and the effort that the reading requires is rewarding.

Russia in Flux, to use the author's words, "aims at presenting a clue of social and political history, along with a glimpse of the currents of thought that had existed in the Russia of the Tsars." Maynard devotes some of his most valuable chapters to a discussion of the peasantry.

Of particular interest to many readers will be Maynard's remarks about the controversial problem of nationalities and self-determination in Russia. "To some extent, and generally in the West," he writes, "the non-Great Russian peoples were the inheritors of cultures superior to that of the Great Russians, and were materially richer. This was very marked with the Finns, Germans, Poles, Armenians, and Georgians. Except for the Caucasian mountaineers, the Mongolians, and the nomad tribes of the North, the Great Russians were not governing their admitted inferiors; and there was little about Great-Russian culture of that attractiveness which sometimes explains an unexpected tolerance of unfamiliar influences" (p. 446). These words may cause the reader to ponder concerning the present juxtaposition of Soviet and non-Soviet cultures in Central-Eastern Europe and its ultimate effects on the future of Europe as a spiritual entity.

Maynard's work is not a mere presentation of facts. It is also an analysis and an interpretation. As a result, several of his judgments are open to controversy. The author states at the outset (p. 14) that "a thesis of these studies . . . is that freedom is divided between the Western democracies and the U.S.S.R., part to the one and part to the other. It is incomplete in both." He takes pains to stress the overwhelming force of Russian tradition: "All Russian régimes have been sudden and arbitrary . . .". "Russia has her own ethical standards, and her rulers must conform to them, but they are not those of the West." "Old Russia was always rough, with its Siberian exiles, its judicial floggings, and its free use of the knout." Yet, despite this emphasis on the force of heritage, Maynard stresses the courage and boldness with which the Bolsheviks have freed themselves from the fetters of the past, and, confident of the strength and wisdom of man, have managed to remake history after their own fashion. "Marx,"

writes Maynard, "... ended the domination of fate. Man is not bound to a pitilessly revolving wheel, but can contribute to the making of his own history." These statements are certainly thought-provoking. They reveal also, in the reviewer's opinion, some contradiction in the author's views. Government by terror is inherited, therefore Soviet leaders can do little against it—the author seems to imply. But at the same time Soviet leaders are capable of displaying an iron will, if we take industrialization as an example. Should the reader infer that in "bad" things (from the Western viewpoint) Soviet leaders are guiltless, because of the force of tradition, and in "good" things—if any—they are praiseworthy, because of their free, dauntless will?

More inconsistencies of similar character could perhaps be pointed out. They stem partly from the fact that while the bulk of the book was written in the later thirties, some parts were added during the early forties, at the time of Western-Soviet alliance against Nazi Germany. The latter fact seems to have colored somewhat the author's opinions—and thus very sober and impartial observations made in the earlier period seem so be slightly contradicted by Maynard's wishful optimism as to the future East-West coöperation in peacetime.

It would be unfair, however, to over-emphasize these points. The book supplies the reader with splendidly selected material and is conspicuous for its deep insights into many aspects of Russian life. It is difficult to imagine even a most erudite scholar who would not benefit from studying it. *Russia in Flux* constitutes a welcome and valuable contribution to the literature on Russia.

GEORGE LENCZOWSKI.

Hamilton College.

Voyennaya Ekonomika SSSR . . . Otechestvennoi Voyny ["The War Economy of the USSR in the Period of the Patriotic War"]. By N. VOZNESENSKY. (Moscow: Ogiz. 1947. Pp. 191.)

In view of the seriously deteriorated relations and prevailing war-like tensions between the USSR and the United States, this volume, *The War Economy of the USSR in the Patriotic War*, assumes great significance. Nikolai A. Voznesensky is chief of the State Planning Commission, Deputy Premier of the USSR, and a member of the powerful policy-making *Politbureau*. Judging by the comprehensive reviews of this book thus far published in Russian academic journals, the treatise will probably remain for some time the leading official textbook on the political economy of the Soviet system. The dual use of the word "war" in the title emphasizes the fact that in 1914 Russia participated in the First World War without any war economy. According to the author's political and economic theories, Soviet Russia's invincible might to with-

stand the German onslaught and invasion in June, 1941, was due exclusively to the Soviet organizational feats in moving industries to the East and to the structure of the planned socialist economic system, which has been and still is synonymous with the wartime economy of the USSR. Consequently, the postwar Soviet Russian political economy must needs continue to be directly by the same fundamental principles and experiences that guided the wartime economy. Thus the monetary reforms promulgated on December 16, 1947, are likewise reflections of this announced policy.

The book is replete with statistics and economic data to substantiate the thesis that total economic planning is inherent in the Soviet system because it utilizes the economic laws of production and distribution, the laws of value and costs, in the interest of socialism as it is being effectuated in the USSR. More important, the Soviet economic system, which has been basically a war economy, has served the nation well preceding, during, and after the Second World War. It follows, therefore, that these basic war-economy principles should continue to be the core and kernel of the national economy during the reconstruction period, and for further industrial development of the USSR, and eventually to enable it to surpass and overtake the leading capitalist countries, especially the United States.

Indicative of the tremendous industrial progress made during the Second World War are the following facts given by Voznesensky. In the final battle for Berlin alone, the Soviet (Red) Army had four times as many divisions, five times as much artillery, fifteen times as many tanks, and five times as many aircraft as before the war. Specifically, in April, 1945, the Russians had 41,000 guns and mortars, 8,400 aircraft, and 6,300 modern break-through tanks (p. 87)—all of which were produced by Soviet industries, especially in the plants moved to the Urals and Siberia following the invasion of Russia by Nazi Germany in June, 1941. The author further asserts that only complete state control over all of the segments of the national economy could have achieved this gigantic industrial and military task.

True to form, Voznesensky pays the highest tribute that is humanly possible to the "Vozhd" (leader), Generalissimo Josef Stalin. The author continually reiterates the statement that only now is it possible to appreciate fully the historic significance of the Stalin Five-Year Plans for the destiny of the Socialist Revolution. The Five-Year Plans are an embodiment of Stalin's genius that saved the Soviet people and insured their victory over Nazi Germany. Likewise, the author spares no panegyrics emphasizing the rôle played by the Communist party, under the leadership of Stalin, in guiding Soviet economic development. "To the Bolshevik party belongs the honor and glory of a victory unparalleled in the history of man. Unbendable fortitude, unsurpassed mastery in the

guidance of the war economy, and a titanic will to victory mustered all the forces of the people of the USSR to crush the enemy" (p. 10).

Far and away, this report is the most important statement of policy that has come out of the Kremlin since the last Communist Party Congress held in Moscow in March, 1939. Accordingly, it has been proclaimed in the USSR as a basic contribution to the political economy of socialism. Oddly enough, references to Marxism or to the writings of Karl Marx and to Communism are conspicuous by their absence. The dominant theme is centered on "socialism," on "Soviet Russia," and on the "inner strength of the planned economic system," but neither on Communism nor on Marxism.

The author cites facts and figures to focus attention on the economic achievements and great industrial progress made by Soviet Russia in contrast to that of pre-Revolutionary or Czarist Russia. The Soviet Russian oil output on the eve of the Second World War was three and one-half times as great as in Czarist Russia. Prior to the Revolution, Russia did not produce motor vehicles, tractors, aluminum, magnesium, or rubber. Similarly, the output of grain for the market was on the eve of the Second World War nearly twice as great as on the eve of the First World War.

Under the general heading of imports, Voznesensky glosses over the positive contributions made by Lend-Lease from the United States to Soviet Russia in its military struggle against Germany. His contention is that munitions, food, and industrial equipment from abroad aggregated only four per cent of Soviet Russia's own total industrial production. Manifestly, the author seeks to minimize the part played by Lend-Lease in Soviet Russia's victory over Nazi Germany. The moral drawn and repeatedly stated throughout the book is that had it not been for the total industrialization of the national economy and the transformation of the Stalin Five-Year Plans to a war-economy during the ten years prior to the German invasion of Russia, the Soviets would not have been able to offer such formidable resistance to the invaders, and ultimately to defeat the enemy.

Each of the seventeen chapters concludes with a paragraph the first sentence of which always begins with the phrase "Takin Obrazom," i.e., "It follows therefore . . ." Thus the definitive conclusions and categorical statements made at the end of each chapter will of necessity have to be taken in the form of directives to executives, to administrators, to Communist party leaders, and to the professorial group concerning the fundamental principles and "inner strength" of the Soviet socialist economic system and its "proved" advantage over the capitalist economic system. The author continually reiterates the craven Soviet fear of the capitalist countries. "As long as the capitalist encirclement exists, it is of importance to keep the powder dry. As long as imperialism exists, the danger of an at-

tack on the USSR remains; hence the danger of a New Third World War" (p. 190). Repeating the shop-worn *cliché* that the capitalist countries of Europe are in grave danger of being enthralled by American monopolies under the guise of "assistance" (Marshall Plan), the author makes this categorical statement: "The socialist economy of the USSR was and remains independent of the capitalist world and is developing according to its own laws . . . Soviet economic development is based on the state monopoly of foreign trades, arising from socialist ownership of the means of production. These features of the Soviet economy should be borne in mind by all who desire to develop economic relations with the Soviet Union" (p. 166).

The Soviet socialist economic system is not guided by the profit motive, and its laws of value and costs are radically distinguished from those in the capitalist economic system. The Soviet system does not engender those conflicts which inevitably lead to capitalist crises of over-production and depression. Socialist state planning resolves and liquidates the conflicts which arise in the process of development of the Soviet economy between the requirements of the whole Socialist society and the level of production attained. From this line of reasoning, Voznesensky concludes that the possibility of crises and unemployment is precluded in the USSR.

Also, attempts at planning in capitalist countries are not based on any real economic forces, and therefore are doomed in advance to utter failure. Voznesensky takes exception to "the judgments of certain theorists who consider themselves Marxists (presumably Dr. Eugene S. Varga and his associates) on the 'decisive rôle of the state in the wartime economy of capitalist countries' as nonsense and unworthy of consideration" (p. 31). In refuting these "so-called Marxists," the author says that in 1944, seventy-five per cent of the total United States government war contracts were awarded to only one hundred leading monopoly-capitalists.

Like many another text on the Soviet political economy, Voznesensky's reports that great progress is being made in concerted efforts to reconstruct and further develop the Soviet economic system. And he concludes his book with the prognostication that the Soviets are definitely moving in the direction, not only of strengthening the Socialist society, "but of surpassing and of overtaking, in the economic sphere, the leading capitalist countries, including the USA."

CHARLES PRINCE.

New York City.

Fallen Sun; A Report on Japan. BY NOEL F. BUSCH. (New York: Appleton-Century-Crofts, Inc. 1948. Pp. 258. \$2.50.)

From the experience of an undisclosed number of months in occupied Japan, Mr. Busch, a senior writer for *Life*, adds one more book to the growing number of superficial, journalistic accounts of one of the most

significant developments in public administration. The author's warning that it is the duty of correspondents to examine the occupation in detail and to be less concerned with the forest than with the trees (p. 8) appears to be unheeded in his own report on Japan.

It is apparent that in the preparation of this book the most valuable sources of information were untapped. Careful and critical observation of the work of nearly 2,000 military government officials in the forty-six prefectural capitals is essential in the preparation of any reliable analysis of the occupation. Unfortunately, the book under review, in common with similar treatments which preceded it, relies almost exclusively on contacts with SCAP (MacArthur's headquarters in Tokyo), the Dai Iti Hotel (billet for high ranking officials), the Tokyo Press Club, and a variety of friendly Japanese in the Tokyo area. The reader would gather that the only agency concerned with military government is MacArthur's headquarters in Tokyo. This criticism remains valid despite the author's explanation that "Tokyo is by no means the whole of the occupation. . . . The occupation itself consists of approximately 130,000 American and 35,000 British troops which are stationed, mostly in small units, as garrisons all over the four main Japanese home islands" (p. 16). The author fails to distinguish between occupation troops and military government personnel. The former are purely tactical troops with no official contact with the Japanese. The latter are the field-service units of Tokyo headquarters, and are in intimate and constant official contact with Japanese prefectural officials. Contact between SCAP and the Imperial Government is somewhat limited to officials of the ministries, industrialists, and others of national prominence. In contrast, the prefectural military government teams have close contact with all types of people in the hinterland from the tenant-farmer whose efforts to obtain land under the Rural Land Reform Act are investigated to the governor or police commissioner whose activities in local elections are closely watched.

This criticism begs the question: What are the sources which must be tapped in analyzing the occupation of Japan? Perhaps the most valuable source is the work of the small, capable Counter-Intelligence units hidden away in every prefecture. A second source is the work of functional specialists of the prefectural military government teams. These officers are generally capable, and their official contact with the Japanese is intimate. A third source is contact with prefectural governors, mayors of cities (*shi*), chief officials of counties (*gun*), and headmen of towns (*machi*) and villages (*mura*). No account of maturity or validity can be made without access to these sources as a complement to the usual SCAP and Tokyo agencies.

Typical of the inaccuracies which necessarily result from reliance solely on SCAP reports and interpretations is the author's observation that the

Japanese "readily discerned and remembered" that emergency food shipments at the rate of 100,000 tons a month came from the United States (pp. 44-45). Actually one of the central problems of military government at the local level during 1946 was the difficulty of persuading the Japanese not only that they were being saved from starvation by the import of American food, but that their own food shortage was not due to confiscation of native food supplies by the American Army for its own consumption. This reviewer (who was a military government officer for eighteen months in Yamanashi prefecture) found it necessary to conduct an extensive publicity campaign to make the people aware that they were eating food imported from America.

Mr. Busch misses the essence of the genius of the occupation when he says that SCAP is responsible for "*supervising*, i.e., running," Japanese affairs (p. 56). "Supervising" and "running" are hardly synonymous terms, especially in the parlance of military government theory. The genius of the occupation lies in the fact that the American authorities do "supervise," but do not "run," the government of Japan. That is to say, the type of military government in Japan is *supervisory* rather than *operational*. It is this characteristic which distinguishes the administration of Japan from that of Germany and Korea, especially in the initial stages of the two latter countries' occupation. At no level of the Japanese occupation do American officials operate the government, despite the author's observation that "to say that these individuals (SCAP officials) govern Japan is no exaggeration" (p. 56). Not only has the control of Japan never been operational, but the supervision has become less and less stringent as the focus of emphasis has shifted almost imperceptibly from the policy of issuing mandatory directives allowing little exercise of discretion to that of deftly suggesting and guiding the Japanese in a non-mandatory style.

Despite the book's basic orientation with which this reviewer is in essential disagreement, it must be said that the author paints an accurate and highly readable picture of occupation life in Tokyo. His analyses of the functions of the special staff sections of SCAP are dependable if somewhat sketchy. It is regrettable that he did not comment on each of the sections instead of only two or three. His praise of the work done by Lt. Col. Cecil G. Tilton (formerly a professor at the University of Connecticut) and his hard-working Local Government division of General Whitney's Government section is well justified.

It is unfortunate that half of the book is devoted to bits of intimate information about Japanese living habits. If Japanese cultural behavior is now not well known to interested readers, a wealth of reliable information in entertaining style has been made available by such cultural anthropologists as Professors Ruth Benedict, Douglas Haring, Frederick Hulse, John Embree, and others. Mr. Busch's eighty-eight pages on "The

Japanese" and his twenty-five pages on "Peach Blossom, the Tokyo Geisha Girl," although very entertaining, add nothing to our knowledge of Japanese behavior.

It is difficult for this reviewer to follow the author's warning that dispatches on the occupation which "imply or suggest that things are not, in general, going extremely well, . . . may even, in a peculiar way, be positively dangerous" (p. 9). There is more likely to be real danger in any report which does not reflect exhaustion of source materials, intimate knowledge of Japanese culture, extended residence among Japanese in rural and urban areas, and the orientation of the trained political scientist.

RALPH J. D. BRAIBANTI.

Syracuse University.

The Allied Military Government of Germany. BY W. FRIEDMANN. (London: Stevens and Sons. 1947. Pp. x, 362. 25s.)

This book has been badly needed for some time, but few people could have written it. The author, a former British Military Government officer, who operated in Germany and also had a German background, was thus equipped both by training and experience to analyze in a critical way the main functions and problems of military government. This he has done in an admirable way, and more comprehensively and realistically than would have been possible for anyone except an insider.

His book contains in an appendix about a hundred pages of useful official documents, some of which have already appeared in publications in the United States, but not in Britain. The documentation throughout the book is good, and the judgments expressed are on the whole very fair. Perhaps the most valuable chapters are those which deal with the economic and constitutional problems and with German reactions to Military Government. The discussions of socialization as a policy problem, and of denazification, are also noteworthy. But it would be unfair to single out portions of the book for praise without making it clear that the whole study is of a high order and deserving of the most careful and thoughtful reading.

As the author says, "it is impossible to do full justice to the manifold activities and problems of Military Government." But in a very large measure Dr. Friedmann has been objective in his criticism and has covered all four zones of occupation, concentrating on the most acute and critical aspects.

He does not hesitate to criticise and evaluate the programs and accomplishments of all occupying powers, being particularly strong in his strictures on British Military Government for its failure to push a program of socialization. Clearly there is room for disagreement here, and one might

also point out that British failures were principally failures of administration rather than of policy. In this respect, Dr. Friedmann glosses over the administrative maze which the British created in their zone, and fails to draw the proper conclusions from his own statements about the inflated size of British Military Government personnel, even though he does refer to the British Control Commission as "a formidable legacy."

The reviewer feels that Dr. Friedmann is quite inadequate and wrong in his understanding and evaluation of the Laenderrat in the American zone; that he gives too rosy a picture of German admiration for British methods and accomplishments, including their anemic Zonal Advisory Council and their slowness in turning over responsibility to the Germans; that in a little footnote on page 81 he betrays his complete misunderstanding of relative German progress in the American and British zones; and that he misstates the American position when he writes that "the United States has pressed for a loose federal pattern." He has also failed to include any adequate treatment of the serious expellee problem—the only significant omission in the book.

But no one can reasonably expect a better over-all analysis of Germany under occupation than Dr. Friedmann has given us. If he had operated at a higher level, he would have understood the good and sufficient reasons for many of the decisions which the military governors had to take. Nevertheless, his book is a real contribution to our understanding of the current as well as the future German problem, and should be studied most carefully by every student of Germany.

JAMES K. POLLOCK.

University of Michigan.

President Roosevelt and the Coming of the War, 1941; A Study in Appearances and Realities. BY CHARLES A. BEARD. (New Haven: Yale University Press. 1948. Pp. vi, 614. \$5.00.)

This book is a sequel to Dr. Beard's *American Foreign Policy in the Making, 1932-1940*. Its thesis is found on page 484, where the author states that his inquiry is particularly concerned with two questions: "(1) How did the secret actions of the Roosevelt Administration bearing on relations with Japan from August 17 to December 7, 1941, as described in official documents now available, square with official representations of the Administration to the American people at the time—realities with appearances? (2) Do these official documents sustain the official thesis respecting relations with Japan presented to Congress and the people by President Roosevelt's message to Congress on December 8, 1941?"

Briefly, Dr. Beard's conclusion is that as early as October 8, 1940, while he was making campaign peace pledges to the country, President Roose-

velt felt convinced "that Japan would make a mistake and the United States would enter a war in the Pacific." Furthermore, Dr. Beard accuses the President and his war cabinet of conducting affairs in relation to Japan—at least from the Atlantic Conference to December 7, 1941—according to a policy of no compromise, with the object of maneuvering the Japanese into firing the first shot. Dr. Beard attempts to support his charges with quotations from the records of the congressional committee on Pearl Harbor, the debates in Congress, the *Diary* of Secretary Stimson, the *Public Papers and Addresses* of President Roosevelt, and other sources.

Other authorities do not agree with Dr. Beard that the Roosevelt Administration maneuvered the Japanese into the position of firing the first shot. Secretary Stimson, in his book, *On Active Service in Peace and War*, states that the line of policy suggested by him and others was predicated on the assumption that the Japanese "would have the good sense not to get involved in war with the United States" (p. 385), and adds that the line of policy of President Roosevelt and Secretary Hull was based on the importance of avoiding such a war. Particularly does Mr. Stimson say that "much of the discussion of Pearl Harbor was confused and embittered by a preposterous effort to demonstrate that President Roosevelt and his advisers had for some unfathomable, but nefarious, reason 'planned it that way'. . . . The twisted and malicious views of the minority report he [Stimson] considered sufficiently answered by the majority" (pp. 392-393).

Samuel Flagg Bemis, in *A Diplomatic History of the United States* (revised edition, 1942), asserts that a "general Japanese-American diplomatic settlement became extremely difficult when, by signing the Triple Alliance [September 27, 1940], Japan stepped from the back yard of American diplomacy to take a place in the front yard also" (p. 869). He also says that throughout 1941 Secretary Hull "stroved to work out with Japan some broad-gauged program of peace for the entire Pacific area" (p. 871). Likewise, Thomas A. Bailey, in his *Diplomatic History of the American People* (2nd edition, 1944), referring to Kurusu's trip to Washington, declares that in the circumstances there was little hope for peace. "The brutal fact is," he asserts, "that the United States was already at war with Germany" (p. 793). So, too, Walter Millis, in *This is Pearl Harbor*, after an examination of the same official documents used by Dr. Beard, writes that not only does the record offer no support for the view that the Roosevelt Administration plotted to invite a Pacific war, but that on the contrary it tried to stave off war as long as possible. He admits, however, that "President Roosevelt and his advisers followed policies which, under all the circumstances, made the Japanese attack virtually inevitable" (p. xi).

In his concluding pages, Dr. Beard is severely critical of the interna-

tional trend in our foreign policy and of the greatly augmented authority of the President in the shaping of that policy. In this he professes to see a grave danger "with no divinity hedging our Republic against Caesar" (p. 598). While it is undoubtedly true, as Professor Corwin has remarked, that "the history of the Presidency is a history of aggrandizement," one may be pardoned for declining to accept either Dr. Beard's severe castigation of President Roosevelt in particular or his pessimistic view of the outlook in foreign affairs in general. It may also be added that the definitive story of events leading up to Pearl Harbor has yet to be written. Certainly it is not found in Professor Beard's controversial volume.

EVERETT S. BROWN

University of Michigan.

American Diplomacy in the International Community. BY MALBONE W. GRAHAM. (Baltimore: The Johns Hopkins Press. 1948. Pp. xvii, 279. \$3.25.)

Finding fault and holding it up to review, albeit in retrospect, have long been characteristic of Americans. Monday morning quarterbacks are as familiar to us as Saturday's football game. And this same attitude has been reflected time and again in dealing with American foreign policy and American diplomacy. Everyone, from the politician to the general public, assumes the cloak of the expert in the field, and, taking heavy-handed thrusts, finds that "our policy is foreign only to us"; or better yet, playing on Voltaire's famous remark about the Holy Roman Empire, finds it to be neither American nor foreign nor even a policy. In fact, the more vocal they become, the more convinced are they as to the validity of their fault-finding. Perhaps it can be said in extenuation that "the best test of truth is the power of the thought to get itself accepted in the competition of the market"; but truth without fact is at best precarious.

What Professor Graham has done, and done well, should go a long way toward giving all of us the necessary facts on which to interpret and understand American beliefs, traditions, and ideologies that have been, and still are, involved in the formation of at least one aspect of American diplomacy. As his title indicates, he is not covering the entire field of diplomacy in which the United States has been involved, but limits himself essentially and expertly to that phase as found "and exerted on the institutions of the International Community from the beginning of American Independence down to the close of World War II." And at a time when all of us are, or at least should be, vitally interested in a workable and efficient Community of Nations, his work fills a long-standing void. If nothing else (but there is plenty more), we owe a debt to Professor Graham for pointing out that we today are not novices embarking on a crusade or mission to find a solution for peace and security via the United Nations. Rather, our history is full of our attempts, directly and indirectly,

singly or collectively, to achieve some such goal. In fact, if dates could be put aside for the moment, his story, for such it really is, is as contemporary as the morning news. The United States was then as now "against aggression;" it was then as now in "opposition to the extension . . . of a System to the world;" and then as now it had "that sense of solidarity with free men everywhere." Even the geographic areas of conflict ring a familiar note as Professor Graham takes us through the diplomatic relations involved in Latin America, the Greek movement for independence, the crisis in Hungary, the Polish insurrection, the quest for European unity and federation. And in tuning us in on the activities of men and our past Congresses, only the names are heavy with history of the past, for the arguments, criticisms, fears, and prejudices might have been taken verbatim from the Congressional debates of the Eightieth Congress. True it is that then as now we have pushed consistency far beyond the breaking point; but goals as monumental as these cannot be achieved in a vacuum, being rather pushed by other pressures which, in their own way, cannot be ignored by those charged with responsibility for producing results.

Speaking at The Hague on May 8, 1948, on the topic of European unity and European union, Mr. Churchill said in part: "I was anxious at first lest the United States of America should view with hostility the idea of a United States of Europe. But I rejoice that the great Republic, in its era of world leadership, has risen far above such moods. We must all be thankful . . . that the nation called to the summit of the world . . . has not been found lacking in those qualities of greatness and nobility upon which the record of famous states depends. Far from resenting the creation of United Europe; the American people welcomed and ardently sustained the resurrection of what was called the Old World now found in full partnership with the new." Mr. Churchill's eloquence and sincerity cannot, of course, be disputed; but had he been in possession of Professor Graham's lectures (the Albert Shaw Lectures in Diplomatic History), his emphasis might have been different. For peace and security, the safeguarding of the rights of man, democracy, and action toward an international community have been, as so well demonstrated by Professor Graham, ideals toward which our diplomacy has striven, and which our generation may achieve.

BENJAMIN M. ZIEGLER.

Amherst College.

Peace or Power. BY SIR HAROLD BUTLER. (London: Faber and Faber, Ltd. 1948. Pp. 269. \$4.50.)

In these days when people watch the tug and pull of forces which tend to unite nations and those which keep the world divided, Sir Harold But-

ler presents a short volume that should help to clarify a lot of muddled thinking. In twelve readable chapters, he surveys and comments upon the history of recent times. To the all-absorbing question of whether men can substitute a world of peace for a world of power, the author offers the answer that the East will need much time to make important changes and that the West, especially the Anglo-Saxons, will need faith and a crusading spirit comparable to that which wins wars, under the indispensable leadership of men with daring and vision.

Americans, especially those who cling to the attitude that they are in the world but not of it, will find much in this book to acquaint them with the facts of international life. From his long and intimate knowledge of the people and the politics of European states, refreshed by a visit in 1946, Sir Harold presents an effective analysis and clear understanding of the events which preceded World War II, and he makes a judicious assessment of the political and economic conditions existing in that unhappy continent up to the time of Secretary Marshall's European recovery proposal in June, 1947.

The author first reviews the dark years between wars—the peace that failed, although the Soviet Union tried three times to enlist the Western Powers in a program of collective security. He comments that if France and Great Britain had then unreservedly admitted Russia into partnership, "history might well have taken a different and happier course." Next he describes World War II as a practical demonstration of how the world is ruled by power, and follows with a rough survey of shattered western Europe, Austria, and the six nations of eastern Europe. In his analysis of Germany's almost hopeless situation, the author urges the need of a great psychological change, a federal system of government, economic centralization, and allied occupation for at least twenty years; but until the German question is fully settled, peace hangs in the balance. There are also good chapters on the staggering price that Britain paid for victory; the need of a common voice in the British Commonwealth of Nations; the effects of the Russian sweep into Europe, with "little probability of war;" and the American impact on Europe and Asia resulting from Communist ideology and new United States policy.

The crisis produced by the collision of East and West is referred to as "the most fateful issue which is now agitating the world." The fact that the Russians have for four centuries been divorced from European political, cultural, and religious evolution "is a greater source of estrangement than any difference of ideology." Not Marxist doctrines, but the Russian psychology, Sir Harold diagnoses as the big obstacle to unity in the United Nations; and he suggests that the only way to bridge the wide gulf between East and West is for all "Easterners" to learn in due time that the arbitrary and irresponsible exercise of power by government must be

outlawed from national and international life. When the rights of twentieth-century man and the supremacy of law are everywhere exalted and honored, peace will follow as a matter of course.

JACOB VAN DER ZEE.

State University of Iowa.

German Realities; A Guide to the Future Peace of Europe. BY GUSTAV STOLPER. (New York: Reynal and Hitchcock. 1948. Pp. 338. \$3.75.)

Mr. Stolper was a leading German economist who, after Hitler's rise to power, came to the United States, where he published several stimulating books and articles. In February, 1947, he accompanied Herbert Hoover as economic expert on his mission to Germany. There he began writing the present book, which was finished in America at the end of 1947, a few weeks before the author's death. Its purpose is to give honest and expert answers to some of the most widely discussed questions of today. Though readers may disagree with Mr. Stolper—and the present reviewer does so, especially in his analysis of pre-Hitler Germany—they will be grateful for an always thoughtful book which will help to dispel some basic misconceptions and to guide the American public to some of the realities of the situation we face. Thus Mr. Stolper's work should be highly recommended to political scientists and economists concerned with contemporary world problems.

The book consists of two parts. The first, "Stock-taking," presents a picture of Germany today. It is possible that the author overstates the lasting consequences of the disaster which has overcome Germany through her own fault: a nation irremediably maimed in biological structure, intellectually crippled by despotism and isolation from intercourse with the outside world, an industrialized nation with its cities in ruins, with its social fabric destroyed by compulsory mass migration, with its transport and currency on a more than shaky basis. This situation, in Mr. Stolper's opinion, removes the possibility for any foreseeable future of Germany's becoming a threat to the peace of Europe—especially if the prescription of the third Hoover report on Germany is followed that the Germans be allowed no army, no navy, and no air force, retaining only a constabulary in which no Nazi or previous army officer may be employed.

Of highest interest are the pages which Mr. Stolper devotes to "the myth that Hitler was merely a stooge of monopoly and finance capitalism." Only in September, 1932, when Hitler was already the absolute head of the largest party in Germany, was he invited to address a regular meeting of the leading industrialist club of Germany. At this Düsseldorf meeting, Hitler spoke at length, as was his habit. "His audience, bored with the length and emptiness of his speech, was astonished at his confused mind and generally relieved at the harmlessness of a revolutionary figure with such small intellect. Only the nationalistic tirade with which

Hitler as usual concluded his long speech brought him some applause." Later, German industry and finance became wheels and cogs in the state machinery, as little responsible for Hitler's policies as are the directors of Russian trusts for Stalin's acts. "Once seized by the immensely complex and refined clockwork of a despotic totalitarian system, no margin for free decision was left. The individual, however highly placed, had become irrelevant. He would disappear and no one would know the reason or circumstance."

The second part of the book, "Peace-making," discusses the weakness and confusion of the situation after victory. The victors possessed no common vision of the world to be built. "This lack of community of convictions and ideas was the basic factor in inter-allied relations from the very beginning, pardonably ignored as long as there was a common enemy to destroy, unpardonably ignored when there was a new international order to direct." In the foreseeable future, Mr. Stolper believes, peace cannot be made for Germany as a whole. Western Germany, without sufficient agricultural land, will have to sustain a population much larger than before 1939, and the rehabilitation of Western Germany will take a much longer time than that of Europe west of the Rhine.

The German realities will occupy the Western world for a long time to come. "Some form of military occupation will have to be kept there as far ahead as we can see, long after the Military Administration has ended," Mr. Stolper concludes. "Washington and London will have to bend every effort to bring about a sincere conciliation between Germany and France. Without that, all attempts at political and economic integration of Western Europe would be futile." The very fact that Germany presents such a long-term problem, closely tied up with the peace of all Europe, insures Mr. Stolper's last book a more than transitory place on our shelves.

HANS KOHN.

Smith College.

The Hidden Weapon; The Story of Economic Warfare. BY DAVID L. GORDON AND ROYDEN J. DANGERFIELD. (New York: Harper and Brothers. 1947. Pp. xii, 238. \$3.50.)

While three dimensions of the recent conflict—the war on land, sea, and in the air—have already been the subject of dozens of memoirs, diaries, and histories; publications on a fourth dimension, economic warfare, are only beginning to appear. The authors of this concise yet fascinating study are particularly well qualified to describe the techniques of economic warfare, for both of them are former chiefs of the Foreign Economic Administration's blockade division, in whose hands lay responsibility for the prosecution of this new kind of war. They have produced a work which is authoritative enough to aid the serious student, yet sufficiently readable to interest the general public.

The purpose of Allied economic warfare was to strangle the Axis by denying it the resources required to wage a modern war. The cornerstone of this warfare was the age-old practice of the blockade. But primarily because the neutrals of Europe were able to continue trading with the enemy, a simple blockade was not enough, and the Allies were forced to devise new techniques to cut off Axis supplies. These practices included preclusive buying, the safehaven program, black lists, and a variety of other economic pressures. The result was a different kind of struggle, in which the traditional rights of neutrals all but disappeared.

By way of introduction, Gordon and Dangerfield discuss the early British blockade measures and the development of the Anglo-American partnership, in which the Board of Economic Warfare and its successor, the Foreign Economic Administration, played an increasingly important rôle. However, this volume concentrates primarily on the struggle which took place with respect to the five European neutrals. The authors describe the successful campaign to decrease Sweden's aid to Germany, in which SKF ball-bearings were the most strategic commodity. They portray the less successful efforts to cut the financial ties between Switzerland and the enemy and to prevent Swiss precision instruments from being exported to Germany. They discuss in detail the use of preclusive buying in Portugal and Spain to keep wolfram and other key minerals from reaching Axis countries, and they describe similar efforts to prevent Turkish chrome from being sent to the enemy. In addition, the authors analyze the difficulties of close Anglo-American coöperation and the influence of political policy on economic warfare.

In evaluating the success of Allied economic warfare, Gordon and Dangerfield frankly recognize that the effort failed to bring about the collapse of the Axis. As an auxiliary operation, however, they point out that economic warfare accentuated enemy shortages, created a general strain on the German economic structure, diverted manpower eventually needed in the armed forces, and forced a reduction of Axis production goals. In conclusion, the authors suggest that the techniques developed in this field during the war may possibly serve the United Nations if it is ever required to exercise economic sanctions.

FRED L. HADSEL.

George Washington University.

The Year Book of World Affairs, 1947. EDITED BY GEORGE W. KEETON AND GEORG SCHWARZENBERGER. Published under the auspices of the London Institute of World Affairs. (London: Stevens and Sons, Ltd. 1947. Pp. vii, 344. 20s.)

This year-book is a newcomer to the field of publications on world affairs. It will not supplant other more complete annual commentaries,

nor those which give a full chronology of international relations. For it is designed primarily to offer additional information on current problems beyond that which the London Institute of World Affairs provides in its book series, "The Library of World Affairs," and in the quarterly periodical, *World Affairs*. In addition to extensive book reviews, a dozen articles are published in this first issue. The editors explain that these studies required fuller exposition than was possible in the Institute's quarterly, but did not merit book-length treatment.

The first two articles deal chiefly with Russia—one by Dr. W. Gurian, managing editor of *The Review of Politics*, on "Permanent Features of Soviet Foreign Policy;" and the other on "Western and Soviet Democracy," by R. Schlesinger. Dr. Gurian argues that Soviet foreign policy, from Lenin's time forward, has been utopian in aim, but cynically realistic in practice. "The very belief in the world-revolutionary utopia, in the ultimately inevitable victory of Communism, justified careful adaptation to existing realities, that is to say, power politics." Soviet policy abroad has always "taken into account existing power conditions." For this reason, Dr. Gurian concludes that "energetic resistance" from the outside will deter Russia from further expansion. Schlesinger, while not directly concerned with Soviet foreign policy, believes that Western democracy is compatible with the Soviet régime if a new equilibrium of power is established in the world. To this reviewer, however, that conclusion appears merely tacked on to Schlesinger's essay. The author does make one very sound contribution to the discussion of the two concepts of democracy noted in his title. (Whether the fact of two different types of democracy is sufficiently established is another question.) He points up the utter impossibility of comparing political institutions in Russia with those which have evolved in Britain or the United States. Only in the underlying social conditions, Schlesinger contends, can common standards for comparing democracy in Russia and the West be found.

Four more articles with a definite geographic setting follow. That by A. G. Bettany, "Czechoslovakia Between East and West," is definitely outdated by the recent Communist seizure of power and the events which have followed, including the resignation of President Eduard Beneš. Written by a journalist who conveys an on-the-spot flavor, Czechoslovakia is throughout pictured as a bridge between East and West. Graham H. Stuart, in "The Problem of Tangier," has surveyed the recent developments concerning that supposedly international city. In the author's view, however, drastic changes are needed if the Tangier zone is to become truly international. Two articles of interest to students of the Far East are Rev. C. S. Milford's, "The Communal Problem in India," and G. W. Keeton's "Nationalism in Eastern Asia." Rev. Milford, formerly lecturer at Calcutta University, gives but a brief historical sketch of the

emergence of the partition movement in India; his comments on the position of other communities in India—especially the Christians and Scheduled Castes—are well worth reading. Professor Keeton, lecturer in English law at the University of London, covers virtually the entire Asian continent in his article; hence the treatment is extremely broad. His generalizations appear well taken, however. He emphasizes the lasting impact of Japanese occupation on the mainland of Asia, and notes that the most general and striking feature of recent Asian developments is the rapid rise of left-wing parties. Due to increasing pressure on the land because of population growth, financial aid and expert guidance will, Keeton believes, be required from the West for the growing nations in the Far East.

The last six contributions to the year-book show its further broad scope. Topics covered range from a restatement of the function of international law to articles touching on world economic, cultural, and scientific relations. A realistic approach to his subject leads G. Schwarzenberger, in "International Law and Society," to admit that international law, based on the concept of national sovereignty, is a law of power, but he insists that international law is a law of reciprocity as well, and also shows "traces of the law of coördination." In "The Future of International Economic Institutions," A. G. B. Fisher, of the Royal Institute of International Affairs, London, cautiously suggests that what is needed is not other more ambitious institutions, but the delegation of authority to those now in existence, so that each organization may initiate a review of various national economic policies and propose changes which might forestall conflicts among different economies.

The year-book closes with the following articles: "UNESCO," by Maxwell Garnett; "The World Church," by Rev. A. M. Chirgwin; "The International Red Cross," by Dr. L. Ledermann; and "The Peace-Time Application of Atomic Energy," by H. S. W. Massey. The discussion of the Red Cross offers a most interesting survey of the very broad activities of that organization; and the article on the World Church may be singled out since so little is available on the subject in the more familiar publications on international affairs.

GRANT S. MCCLELLAN.

Foreign Policy Association.

The British Year Book of International Law, 1946. EDITED BY H. LAUTERPACHT. (London: Oxford University Press. 1947. Pp. vii. 535.)

Long recognized as one of the leading periodicals on international law, the Year Book has now been expanded to include the field of international organization. Its usefulness for the student of general international relations has been measurably increased.

Professor Lauterpacht, editor of the 1946 number, contributes the leading article on "The Grotian Tradition in International Law." He believes that by examining the Grotian tradition one may obtain an insight into the persistent problems of international law of the past, present, and future.

There are three timely articles on the United Nations. The first, by an expert who chooses to call himself "Pollux," deals with "The Interpretation of the Charter of the United Nations." "Pollux" surmises that interpretation of the Charter, as of any constitutional instrument, will have increasing importance as time passes. But he thinks that numerous difficulties must be faced. The Charter is a highly political agreement, it is multilateral, it has faults in its drafting, and its five languages tend to make interpretation even more difficult. Moreover, it does not indicate adequately how and by whom interpretations are to be made and what binding effect they shall have. Furthermore, the author warns that no state is likely to accept an interpretation which it considers wrong, regardless of the size of the majority which may favor it.

Professor Brierly contributes an article on "The Covenant and the Charter" in which it is concluded that an organization has been created which can neither decide nor act. Professor Whortley, of the University of Manchester, analyzes "The Veto and the Security Provisions of the Charter." Among the conclusions at which he arrives is the view that if a permanent member commits an act of aggression in which the veto renders Council action impossible, action may still be possible under ordinary international law; furthermore, that there is nothing to prevent members that wish to do so entering into treaties designed to limit the right of veto otherwise exercisable by them, so long as the treaty is consistent with the purposes of the United Nations.

An article on "Government in Commission," by R. Y. Jennings, discusses the juridical basis of the occupation and government of Germany by the four Powers. A. H. Robertson writes on "Some Legal Problems of the UNRRA." In "Crimes Against Humanity," Egon Schwelb traces the growth of conception of a crime against humanity, with emphasis on the Nuremberg trials. He feels that so many restrictions were laid down in the Nuremberg procedure that the "task of making the protection of human rights general, permanent, and effective still lies ahead." Professor Herbert A. Smith touches upon an almost unwritten phase of international law in an article on "Booty in War," noting some of the decisions made during the recent war. Other articles deal with Foreign Office certification of recognition, and with Italian prize law.

American students will find two of the fourteen shorter notes of especial interest. Mr. M. E. Bathurst examines the "Jurisdiction of a Country over Friendly Armed Forces" in its midst, with particular reference to

American forces in British territories. Mr. F. A. Vallat's note on "The Continental Shelf" points out that the present status of international law which regards the sea-bed and subsoil beyond territorial waters as *res nullius* invites a new era of "rush and grab." He inclines to the view that the United States proclamation of September 28, 1945, established a useful lead, and that the doctrine of jurisdiction in the continental shelf is reasonable and just, where it can be applied. Attention is called, however, to problems bound to arise in narrow gulfs or bays where several states border on an important area. In such instances, including the Persian Gulf, agreements will be needed, for which he cites as precedent a British-Venezuelan agreement of February 26, 1942, on division of jurisdiction on the Gulf of Paria.

The *Year Book* has a useful section on "English Decisions on Public and Private International Law Since 1945," an annotated documentary section on the constitutions of international organizations prepared by Mr. Clive Parry, and the usual reviews of books.

NORMAN J. PADELFORD.

Massachusetts Institute of Technology.

Psychological Warfare. BY PAUL M. A. LINEBARGER. (Washington: Infantry Journal Press. 1948. Pp xiii, 259. \$3.50.)

Wartime propaganda, a subject which captivated writers after the First World War, has thus far after the Second been accorded relatively little attention. Major Linebarger's first-hand report of propaganda activities during the recent conflict is therefore especially welcome. The author is well qualified for his task; he was a member of the Psychological Warfare Division of the U. S. Army, and for years was an observer of psychological warfare between Chinese Nationalists and Communists.

Dr. Linebarger writes that he has tried to make the book a "patchwork of enthusiastic recollections," and he has succeeded. The reader is given on-the-scene accounts of psychological warfare in application and enlivening illustrations of propaganda material used during World War II. The book is divided into three parts. The first section includes chapters on definition, function, and historical development of psychological warfare. The second part deals with propaganda analysis and intelligence; the third, with planning and operations. Throughout, technical aspects are reduced to a minimum and complexities of analysis are avoided.

Concerning an otherwise excellent study, two criticisms stand out. First, the author fails to define his subject carefully. Although the discussion is largely concerned with psychological warfare as an adjunct of military operations, the frame of reference is often expanded to include economic

and political warfare "psychologically waged." Secondly, the author occasionally permits value judgments to color his presentation of facts. For example, in his analysis of Soviet propaganda methods, Dr. Linebarger writes: "The Communists, not really being a political party anywhere, but using the name "party" to designate the hierarchy of a dogmatic, ruthless, and fanatical political religion . . ."

In his analysis of propaganda, the author avoids the complex, though systematic, treatment which characterizes Lasswell's and Doob's approach to the subject. Instead, Dr. Linebarger offers a simple formula by which propaganda may be described, namely, "STASM." According to this formula, propaganda may be analyzed in terms of Source (overt and covert), Time (strategic and tactical), Audience (direct and indirect, intended and unintended), Subject (content), and Mission (for whom and for what purpose). As a check list for the propagandist, this formula should prove a valuable aid in planning a propaganda campaign; though less useful for the propaganda analyst, it does offer a convenient classification by which various aspects of propaganda may be examined and compared.

Dr. Linebarger appropriately emphasizes the need for planning psychological warfare during the pre-belligerent stage as well as during the period of hostilities. In the absence of outright belligerency, however, such planning cannot be done unless psychological warfare is an acknowledged instrument of national policy. The success of psychological warfare would then depend upon the effectiveness with which political instruction to propaganda specialists, military and civilian, could be enforced. Monitoring domestic as well as foreign newscasts is an activity common to the major powers. Accordingly, a general plan must include the domestic scene and must reckon with the traditional structure of America's mass communication system. Dr. Linebarger is apparently aware of some of the difficulties involved in planned psychological warfare when national policy is the pursuit of peace, for he advocates Congressional and judicial action to prevent "malicious and wanton libel of foreign peoples, leaders, and governments."

Psychological Warfare illuminates one phase of our wartime activity which has heretofore seen little light. Its foray into the field of propaganda as an instrument of national policy suggests the urgent need for more intensive study of the dilemma which faces a democratic state in meeting the propaganda of other powers at home and abroad: How can the demands for political direction of communication media be reconciled with the democratic right to freedom of expression?

MARTIN KRIESBERG.

University of Michigan.

Civilization on Trial. BY ARNOLD J. TOYNBEE. (New York: Oxford University Press. 1948. Pp. vii, 263. \$3.50.)

In his new book, Toynbee has turned from a study of history to an inquiry into the future. While borrowing many theories from his *Study of History*, he refers to past events mainly to predict coming developments. That is the central theme of this collection of thirteen essays (ten of which have appeared previously in various magazines, all but three in 1947).

Toynbee predicts that our secular Western Civilization, although headed for destruction, will first bring about the political and cultural unification of mankind. Unlike our own materialistic culture, the coming world-embracing civilization will be essentially religious. As to the character of this future universal religion, the author makes contradictory predictions. It will combine equally elements of all creeds now surviving. Yet "Christianity may be left as the spiritual heir of all the other higher religions" (p. 240).

Most of Toynbee's predictions profess to be scientific in the sense that they are ostensibly deduced from empirical laws. Thus from the alleged law that the survival of any civilization depends on its "*intrinsic worth*" (p. 158), and the statement: "... our own Western post-Christian secular civilization ... [is] a *pernicious back-sliding* from the path of spiritual progress" (p. 236), Toynbee derives the prediction that our civilization will perish. Similarly, his prediction that the existing religions will be superseded by a *higher religion* is implied by the law that "in contrast to the cyclic movement of the rise and fall of civilizations—the history of religion on earth is a movement in a single continuous *upward line*" (p. 244). All these statements include value terms (italicized by the reviewer) and thus involve value judgments. Such judgments are necessarily relative to the author's own ethical and religious beliefs, and incapable of being empirically tested.

Toynbee himself judges the worth of a civilization by the importance it gives to spiritual as compared with material values, and the level of a religion by its similarity to Christianity. Substituting these standards for his own value terms, we are able to rephrase his own formulation of some of his arguments without including value judgments. For example: (1) the survival or decline of any civilization depends on whether it is predominantly spiritual or secular; (2) our civilization is of the latter type; (3) hence, it is doomed. The two premises of this prediction (unlike those of the version given above) can be empirically tested. The first one, however, is contradicted by historical evidence: the Greek civilization evidently declined when it turned from this-worldliness to other-worldliness. Similar objections have been raised against *A Study of History* and apply to other generalizations in the author's present volume. Thus Toynbee

contends that all encounters between civilizations give rise to new, and higher, religions; yet no new religion emerged from the encounter of the Spanish and Aztec cultures. Again, according to Toynbee, prophets and saints have been the great benefactors of humanity, scientists definitely not.

It is apparent that Toynbee himself is not satisfied with the empirical foundation of his predictions; he adds (more explicitly than in *A Study of History*) a theological one. If a purified form of Christianity eventually triumphs over materialism, this will be due to "some purposeful enterprise" of a personal God (p. 15). Like Saint Augustine and Hegel, Toynbee visualizes history as "the masterful and progressive execution . . . of a divine plan" (p. 14). There can be no objection to writing what the author himself calls a "mythology" (p. 11), especially if it is as brilliantly written as is the present one. What does call for criticism is Toynbee's paradoxical endeavor to provide an empirical foundation for his attack upon empiricism, and his fruitless attempt to build a scientific defense for his metaphysical vision.

FELIX OPPENHEIM.

University of Delaware.

Democracy and Progress. BY DAVID MCCORD WRIGHT. (New York: The Macmillan Company. 1948. Pp. xvii, 220. \$3.50.)

This is an interesting and modern defense of capitalism as the best guarantee of political democracy. The only trouble is that capitalism is so curried and caparisoned as to appear a horse of a very different color from the old steed so often subjected to vigorous lashings by its critics. The element of risk is to be retained, together with the possibility of profits at least proportional to risk. But the horse is not to be allowed to run away, as he has done so many times under the roweling of "free competition." Monopoly is not to be permitted. When a depression appears imminent, the government must step in. "The combination of social security, unemployment benefits, and judiciously distributed public works will give a degree of stability and security never before approximated" (p. 190).

To the political scientist, the first five chapters of the book are the most interesting. Here the author develops, among others, the ideas that "economic competition is on balance the best general approach for a democratic culture" (p. 45); that "special factors exist which make scientific progress particularly easy under capitalism" (p. 2); and that "the philosophy of democracy carried to extreme and the effects of eighteenth-century philosophy, and subsequent scientific influences, have very nearly destroyed values, including the basic values of democracy itself" (p. 67). Again: "By an ideological reconstruction of capitalism that would

show its connection with democracy and science and thus obtain the removal of many of the fetters now binding the system, and by limiting inflation and unemployment, the way would once more be open to a wider freedom and a renewed achievement" (p. 193). If this be capitalism, make the most of it.

Throughout the book there is an *ex cathedra* intonation, and a shortage of anything that could be called evidence. In fact, there is a tendency to overlook evidence. To omit consideration of the momentous undertaking of Great Britain, the increasing socialization of the economy combined with the preservation of political liberties, certainly weakens the author's contention that "democratic political freedom is closely tied up with the decentralization, alternative work opportunities, and limited control of the competitive economic market" (p. 198). The great number of ways in which our own federal government intervenes continually in the economic realm—the Federal Reserve System, the regulation of interstate carriers, and the work of the Federal Trade Commission, to name but a few—should logically have been examined and accepted, rejected, or subjected to constructive criticism before the author's fiat went forth. It is only fair to say that the capitalist system is not shown as perfect, or even as self-adjusting. "Inability or unwillingness of the capitalist world to adapt itself may well destroy the system" (p. 214).

This review necessarily omits many interesting and stimulating ideas developed in the book. Although much of the volume's substance seems to the reviewer dubious, and its method of pronouncement without demonstration is far from scientific, it is eminently readable. Moreover, it provokes thought. In reading it, one writes innumerable marginal comments beside statements which it would be a pleasure to debate with the author.

MIRIAM E. OATMAN.

Washington, D. C.

Les Transformations de la Responsabilité: Étude sur la Pensée Juridique.

BY LÉON HUSSON. (Paris: Presses Universitaires de France. 1947. Pp. viii, 544.)

Twentieth-century jurisprudence has seen many attempts to formulate theories which could account for both the *what is* and the *what ought to be*. In this respect, Professor Husson's volume is not new. Although the approach that he uses likewise is not an innovation, it is of interest. It consists of an analysis of the intellectual activity of the French jurists of the present epoch as to a particular aspect of law: the problem of the civil responsibility of an automobile driver for injury to passengers and guests in his own car.

The traditional approach of French jurists, in adhering to the theory of legislative supremacy, has been to advocate a strict adhesion to the letter of the statute law. Professor Husson draws heavily from more recent French jurisprudence, especially the doctrines of Francois Géný, in his finding that the statutes do not include the whole positive law. Husson shows that in the very process of applying the law, the judges have actually modified or even created it. This has been inevitable since in their time the makers of the code could not possibly have foreseen the problems resulting from the invention of the automobile. Thus while the letter of the code would logically include the subject in question, the spirit of it could not. Hence, the legal definitions found in the code, he concludes, cannot be mathematical postulates sufficient unto themselves; rather they are categories of real situations which are inevitably relative to the experience of those who formulated them and which can be applied to future conditions only if reinterpreted in the light of those conditions.

Consequently, the criterion for the judge in applying the code is that of juristic experience, of the testing of the means adopted to determine whether they actually accomplish the basic ends in view. The discovery of these ends and the interrelationships between the positive laws, the ideal law, and natural law are further aspects that he discusses. Again his examination is refreshingly realistic, since no attempt is made to pretend that positive laws are reflections of natural law. He defines natural law as nothing more than a group of directives which govern the elaboration of positive laws. These directives take form only by being embodied in prescriptions which are relative to the circumstances of their application. Furthermore, the formulation of these prescriptions is left to human intelligence, with all the risks of error which that implies.

Professor Husson's conclusions add little to those of his predecessors. Yet it is interesting that he, as a philosopher, directs the attention of his colleagues to a study of the positive law as a means of clarifying their philosophical difficulties in reconciling the normative and positive sciences.

R. M. CAMPBELL.

University of California (Los Angeles).

A Centenary of Marxism. BY SAMUEL BERNSTEIN *et al.* (New York: Science and Society. 1948. Pp. 196. \$2.50.)

Published by the editors of *Science and Society* in commemoration of the proclamation of the Communist Manifesto one hundred years ago, this volume is designed to describe "some of the achievements of the pioneers of Marxism" and to illustrate "the range and capacity of the theory, in a way which" the editors "hope will aid the continuing process of explora-

tion." The volume opens with an essay describing the impressions of Marx and Engels on America and contains additional chapters on such topics as "The Ethics of the Communist Manifesto," "The Paradox of Profit," "Engels on the Family," "The Origins of Present-Day Socialism," "Saint Simon's Philosophy of History," "The English Civil War Interpreted by Marx and Engels," "Marx' Doctoral Dissertation," and a concluding chapter on Marx as a mathematician. For a volume designed to illustrate "the range and capacity" of the Marxian theory, it fails significantly to mention any contemporary problems or issues, and to analyze any contemporary, or even recent, political developments in the light of Marxian theory. The Soviet Union is not mentioned at all, although doubtless the editors of *Science and Society* are aware of its existence.

Essentially the volume is a panegyric rather than a critical analysis of Marxian theory. Thus, according to Thomas Kirkenfeld, "the Marxist theory of surplus value . . . clarified the workings of capitalism as a whole; it offered an explanation of the dynamics of capitalist exploitation; it revealed the source of capitalist accumulation; it removed the contention of wages as equal exchanges for labor produced . . . it enables us to explain crises and unemployment . . . and finally indicates that for the productive capacities of man to be used fully in his own interest a new social organization of productive relations is necessary" (p. 41). According to Bernhard J. Stern, Marx and Engels "enriched the ideal of the family and offered designs for living for the development of free and emotionally mature persons" (p. 64). And according to Howard Selsam, "it is no exaggeration to say" that the Communist Manifesto "is the first document in history to achieve any such organic unity of scientific social analysis with ethical ideals. Previous attempts at social science either had sought to eliminate values or had added on, extraneously, values derived from religious or secular traditions. In the first case, no rational guide for action was possible. In the second, the values were divorced from what in fact existed and also from any possible effective program of action" (p. 32). The volume illustrates that dogmatism is not a quality of mind peculiar to ecclesiastics, and that those who are often most vociferous in their denunciation of dogmatism fall readily into the very same error for which they condemn others.

Despite its dogmatism and its eulogistic premises, the volume of essays contains many facts and interpretations that will be of value to the student of Marxian theory. Paul M. Sweezy's chapter on "The Origins of Present Day Socialism" is a case in point. The volume is well documented.

JOHN H. HALLOWELL.

Duke University.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

On May 3, 1948, the Supreme Court handed down two momentous decisions in the general field of the constitutionality of racial discrimination. These were in the cases of *Shelley v. Kraemer*, involving appeals from state courts, and *Hurd v. Hodge*, involving appeals from the D. C. Court of Appeals. These two groups of cases, commonly referred to as "the restrictive covenant cases," resulted in the invalidation of judicial enforcement of private covenants restricting sale or use of property in terms of race. Anyone wishing to understand the public policy background and broad legal implications of the decisions would be well advised to examine *Prejudice and Property; An Historic Brief Against Racial Covenants* (Washington, D. C.: Public Affairs Press, 1948, pp. 104, \$2.00), by Tom C. Clark and Philip B. Perlman. This little volume reproduces, complete with citations and references, the brief which the Attorney-General and the Solicitor-General prepared for submission by the Department of Justice to the Supreme Court as *amicus curiae* in the restrictive covenant cases. The authors discuss the legal nature and social effects of such covenants, resorting to sociological data as well as court precedents to set the stage for the major argument. The central theme of the brief is that judicial enforcement of restrictive covenants, either in the state courts or in the District of Columbia courts, is forbidden by the Constitution, federal legislation, and considerations of public policy. "The Federal Government has a special responsibility for the protection of the fundamental civil rights guaranteed to the people by the Constitution and laws of the United States . . . The Government is of the view that judicial enforcement of racial restrictive covenants on real property is incompatible with the spirit and letter of the Constitution and laws of the United States. It is fundamental that no agency of government should participate in any action which will result in depriving any person of essential rights because of race or color or creed" (p. 22). All the legal precedents are carefully examined, with the conclusion that this precise issue has never before been passed upon by the Court—despite widespread belief that *Corrigan v. Buckley* foreclosed the question. Moreover, it is argued, enforcement of such contracts would be against public policy as declared in statutes, executive pronouncements, and international agreements. Each of the major lines of argument is supported by persuasive references, both legal and non-legal. And while it is impossible to know how much weight the Court gave to any particular brief, it is worth noting that Chief Justice Vinson, in a 6-0 opinion in each group of cases, accepted the major contentions. The Court held that "in granting judicial enforcement of the

restrictive agreements in these cases, the States have denied petitioners the equal protection of the laws . . . " In the D. C. case, the Court ruled that enforcement of such covenants is prohibited by the Federal Civil Rights Act, and that, even in the absence of such a statute, "enforcement of restrictive covenants in these cases is judicial action contrary to the public policy of the United States, and as such should be corrected by this Court . . . " Whether or not all of the somewhat broader arguments urged in the brief have been or will be accepted by the Court will have to await further litigation. In any event, however, these decisions stand as an important tribute to the Department of Justice brief in the cases, and cannot be fully understood or appreciated without reference to that unusual document.—VINCENT M. BARNETT, JR.

In his *Missouri and the World War, 1914-1917; A Study in Public Opinion* (University of Missouri Studies, Vol. XXI, No. 3, 1947, pp. 199, \$2.50), John Clark Crighton endeavors to present, on the basis of a fairly intensive study of certain phases of public opinion within one state, "an analysis and interpretation of Middle Western opinion regarding the issues of World War I, up to the date of America's intervention," Mr. Crighton states that Missouri, from a number of standpoints, is "typically Middle Western"; but neglects to delineate the boundaries of the Midwest. Possibly to him, as to many others, the Midwest is as much a state of mind as a geographic expression. In his opening chapter, Mr. Crighton provides the reader with various basic demographic, economic, political, and governmental, historical data, as well as with an informative survey of the Missouri press prior to the period covered by the study. Relying chiefly upon selected editorial comments from St. Louis, Kansas City, and various small-town newspapers, Mr. Crighton traces the development of opinion, mainly that of the press, in Missouri, from the outbreak of World War I in 1914 to the entry of the United States in 1917. In the course of this development, there is some discussion of the economic effects of the war on Missouri, the reaction of the press and of various organizations to the violation by Great Britain and by Germany of the neutral rights of the United States, the preparedness campaign, and the presidential campaign and election of 1916. It is interesting to note that as the war progressed a large section of the press, similar to numerous newspapers before World War II and today, began talking in terms of adequate defense and vital interests and the responsibility of the United States for the protection of democracy and of humanity. The author apparently assumes, and correctly so, that there was a close correlation between editorial opinion and public attitudes, although he makes no attempt to examine the interaction between press and public. The amount of space allotted in the news columns to war news and the manner in which "straight" war news was

treated by the press, with respect to headlines and position, were beyond the scope of the study. It is suggested that "the rôle of propaganda in getting the United States into the war has perhaps been exaggerated" and that more important were the "close racial and cultural ties" between the Allies and the United States and "the further fact that their [the Allies'] interpretation of the threat to the world of German militarism coincided with that held by most Americans." The author demonstrates that close ties existed between German-language groups in Missouri and the Fatherland, but adduces no evidence which would support his conclusions respecting the existence and significance of "close racial and cultural ties" between the Allies and the United States. Mr. Crighton probably underestimates the influence of Allied propaganda in creating an awareness in the United States of German militarism and of methods used by the Central Powers in conducting the war. More important, however, the author believes that his study suggests "the possibility that the pacifism and isolationism of Missouri, and of the Middle West generally, have perhaps been over-estimated." This conclusion was reached on the basis of the fact that during the period of the study isolationism "was distinctly a minority expression in Missouri," and that on the declaration of war by Congress in 1917 "Missouri's reaction was thoroughly American." With respect to minor matters, the reviewer objects to the use, especially in a scholarly dissertation, of the expression that "many Germans . . . were naturally a gregarious and socially-minded people" and the reference to the Germans and Irish as "two of the strongest racial groups in the United States." And here in southern Arizona, not far north of the Mexican boundary, one is aware that the term "American," which is generally used throughout the study, encompasses a great deal of territory.—PAUL KELSO.

Although scuttled by the late Congress, federal aid to education is certain to remain a primary political issue until it becomes law. The offset edition of Charles A. Quattlebaum's *Federal Aid to Elementary and Secondary Education* (Public Administration Service, 1948, pp. xii, 191, \$2.00) is therefore timely. The author, educational specialist of the Legislative Reference Service, originally prepared the study for Subcommittee No. 1 of the House Committee on Education and Labor. The volume has certain limitations of scope. It does not pretend to be fully analytical. Half of it summarizes various extensive reports that have been made on federal aid to education; listing of arguments pro and con and some background data complete the study. The digest of recommendations of Congressional, other governmental, and non-governmental groups is quite extensive and complete. It is true that almost all of the reports cited are favorable to federal aid, but this is simply a reflection of the fact that vir-

tually all extensive studies of the topic have come to a similar conclusion. Federal aid to education is a good example of Congress not leading but being pushed. The statistical data presented on state finances and state school systems are largely from the Governments Division of the Bureau of the Census, the United States Office of Education, and the National Education Association. Although not new, these data are used together to advantage. If it is objected that the effect is to support proponents of federal aid, the answer must be that apparently the most reliable statistics do so. Finally, there is a debate handbook-type summary of arguments for and against the proposition. The pro and con sections are not only equal in length, but also written with equal fervor and completeness. One does not expect the issue of individualism versus the public service state to be raised directly in a report of the Legislative Reference Service, but the arguments advanced come fairly close to doing even that. It is unfortunate that more attention could not have been paid to the religious issue involved. Notable by its virtual absence is mention of the effect S. 472 would have in pegging educational expenditures of all the states. Within the limitations the report sets for itself, it is a very creditable piece of work.

—EDWARD W. WEIDNER.

In *State Control of Business Through Certificates of Convenience and Necessity* (Bureau of Government Research, Department of Government, Indiana University, 1948, pp. 154), Ford P. Hall presents a major contribution to the study of state regulation of business. As in his earlier work, *Concept of Public Business* (reviewed in this REVIEW, Dec., 1941, p. 1189), Professor Hall treats of legal and administrative problems rather than economic factors. The same comprehensive and critical evaluation of statutes and court decisions which characterized the earlier study is found in this one. Among the questions which Professor Hall considers are: For what purposes are certificates of convenience and necessity issued? Are such certificates property? Are they merely a franchise? Or a contract? Has the constitutionality of state statutes requiring certificates been upheld? How are extensions and changes made in the certificate? What factors are considered in issuing certificates? Can certificates be used as a planning device? The states issue certificates of convenience and necessity to public utilities, including railroads, street railways, and common carriers by motor bus or truck. The certificate is a revocable license to serve the public for a limited period of time. Such certificates were first used in 1892, when the New York legislature required them of railroad corporations which were planning the construction of new railroads. Every state except Delaware has statutes requiring certain kinds of utilities to obtain certification. These state statutes, with their accompanying court cases and utility commission decisions—some 2,400 in all—were

basic materials from which Professor Hall drew methods, principles, and objectives of state regulation.—EDWARD W. CARTER.

During recent years, increasing use has been made in the public service of lay boards for advisory and administrative purposes. In her *Citizen Participation in Government; A Study of County Welfare Boards* (Public Affairs Press, 1948, pp. viii, 63, \$1.00), Helen E. Martz presents an analysis and evaluation of the operation of county boards of public assistance in seventeen counties of an unidentified state, together with some comparative data from other states. The county boards studied are unpaid, state-appointed agencies charged with administering, under the supervision of a state board, programs of general and categorical assistance. The greatest potential value of citizen boards seems to lie in their usefulness in reflecting popular attitudes and in interpreting service programs to the public. The boards studied appear to have been quite effective in performing the first of these functions; and, though they were less successful with respect to the second, this may have been due to failure of the state supervisory agency to provide proper leadership. The fact that citizen boards are not well adapted to making technical decisions should not be permitted to obscure their usefulness in interpreting programs to the public and bringing popular influence to bear upon administration. Such lay participation in government represents a type of "mature citizenship" which, the author believes, should be encouraged as beneficial alike to board members and the general public.—CLYDE F. SNIDER.

The Palmer Raids (International Publishers, 1948, pp. 80, \$1.25), edited by Robert W. Dunn, is one of those numerous volumes which has—as Charles A. Beard commented recently before the American Political Science Association—"the correct answers' rendered implicit, if not explicit, by the very terms of the respective formulations." In short, the authors—the volume indicates that it was prepared by some one in the Labor Research Association—have an ax to grind in this brief study of Attorney-General Palmer's Red Scare of the early twenties. There is little reason to question most of the individual facts presented. However, when one reads the introductory statements—"This pamphlet is a factual, carefully documented account of one of the most scandalous episodes in American history. It is a report on one of the tactics used by reaction against progressive movements after World War I"—one really knows what interpretation "must" follow. As political science, *The Palmer Raids* is not science under any conceivable definition. As reasonably objective history, it is not much better. As a political tract, aimed at influencing action toward a preconceived goal, it is first rate. No doubt those who are especially interested in civil rights will find the pamphlet to their liking,

and perhaps will accept its assumptions without question. Even political scientists and historians looking for facts about the episode will find some good material. But, on the whole, the reviewer sometimes wishes that more history were written to tell what happened than to "prove" an author's ethical views.—PAUL P. VAN RIPER.

Only one life stands between the vice-president of the United States and the presidency, but most of our vice-presidents have been consigned to oblivion as soon as they have been elected. Consequently, information about some of them is quite limited, and Klyde Young and Lamar Middleton have rendered a useful service by presenting in *Heirs Apparent* (Prentice-Hall, Inc., 1948, pp. vi, 314, \$3.75) a short essay about each of the vice-presidents. The authors lay no claim to having produced a scholarly work containing newly discovered facts about any of the vice-presidents. Not a single statement is footnoted, and only a very limited bibliography is presented. The essays are interestingly written, however, and the book must be considered of value to the extent that it directs greater attention to the neglected office of vice-president.—CHRISTIAN L. LARSEN.

The Florida Sheriff's Manual (Institute of Government, 1947, pp. xi, 324, \$2.50) seeks to bring together all of the information needed in law enforcement work in that state. The manual is a condensation of the constitutional provisions, legislative enactments, opinions of the attorney-general, and judicial decisions which affect the office of sheriff. To this material have been added practices drawn from the accumulated experience and customs of sheriffs and information concerning technical services available for crime detection from other agencies, state and federal. The guide-book is made available for ready reference by dividing the duties and functions of sheriffs into chapters, main divisions, and finally detailed topical paragraphs. A subject-matter index facilitates the ease with which the specific items may be located. The Institute of Government has made a sound beginning toward its objective of providing basic information for the county officers of Florida.—ROBERT B. HIGHSAW.

FOREIGN GOVERNMENT AND POLITICS

The Civil Administration Division of the Office of Military Government of the United States in Germany (OMGUS) deserves substantial commendation for bringing together the constitutions of the new German states in *Constitutions of the German Laender* (Office of Military Government (U. S.), Berlin, 1947, pp. 243). Earlier publications have made available the constitutions in the American Zone, but here students of German political affairs will find the full texts in both German and English (arranged in parallel columns) of the constitutions of all of the states in the

American, French, and Russian Zones. Only the constitutions of the states in the British Zone are lacking, because of the delay in drafting constitutions in that zone. The editing of this volume has been expertly done, and the English translations seem adequate. Brief prefaces which present a background for the constitutions of the three zones, giving the steps leading up to drafting and promulgation, are included. In the case of the American Zone, an OMGUS paper commenting on the relationships between military government and civil government following the adoption of the constitutions is reproduced. For the benefit of those not familiar with German terms, a brief glossary is appended. Finally, the volume is made more readily usable by the addition of a detailed index. Perfectionists will regret that the constitutions of all of the *Laender* are not presented. However, this collection represents so great an advance over what has been available heretofore, and is so convenient a source of information for those who have occasion to refer to constitutional developments in Germany, that it calls for an expression of hearty appreciation.—HAROLD ZINK.

The criterion for judging the qualities of books of readings is generally fixed by the author's statement of his objectives in the preface. In her *Readings in British Government* (University of Toronto Press—Saunders, 1948, pp. xxiii, 443, \$5.25), Elisabeth Wallace, as editor, undertakes to collect in convenient form material from out-of-print studies, periodical articles, and an occasional passage from Hansard to illuminate major aspects of British government. Her most significant purposeful omission is any selection describing governmental changes since 1945, on the ground that contemporary estimates of the present great changes must necessarily lack perspective. Within her predetermined framework, the author has selected stimulating material from the writings of W. Ivor Jennings, A. B. Keith, W. A. Robson, James K. Pollock, and others, dealing with the party system, the legislature, the executive, and local government. A useful brief bibliography has been appended.—EDWARD G. LEWIS.

Very little has been written on the position of labor in the separate countries of Southeastern Asia, and still less has appeared which deals in a comprehensive way with the whole region. A long-felt want is supplied by Virginia Thompson's *Labor Problems in Southeast Asia* (Yale University Press, 1947, pp. xviii, 283, \$4.00). Before the war, Miss Thompson had written several detailed studies of French Indo-China and other parts of the area, and she spent six months there in 1947 studying the postwar situation. The result is a detailed description of labor conditions in Burma, Malaya, the Dutch East Indies, Siam, and French Indo-China. The book covers the prewar as well as the postwar period. It deals with all types of

labor—on the plantations, in mines, factories, retail trade, and to some extent with clerical labor. There is a good deal of information about the indigenous peasant farmers and agricultural laborers. Miss Thompson describes the methods of recruitment of local and Indian, Chinese, and Javanese immigrant labor; the types of employment; working conditions, including wages, hours, health, and housing; government protection of labor; trade unionism; and developments since 1945. There is much valuable information on the stranglehold which the money-lender, indigenous, Chinese, and Indian, has on the peasant farmer. Adequate farm credit on reasonable terms is one of the outstanding needs of the whole area. One great difficulty is that it is very difficult to help the natives because of their thriftlessness and lack of a money sense. In Java, Annam, and to some extent Burma, the pressure of population on the land has gone so far that it has compelled some of the natives to seek work on the plantations. Apart from this, the labor for foreign enterprises is principally supplied by immigrants from China and India. The salient feature since the war has been the development of trade unions, particularly in Malaya and Burma, where the British government appointed officials of the British trade unions to assist in the organization. Many of these unions are dominated by Communists, and their frequent strikes are motivated by political rather than economic aims.—LENNOX A. MILLS.

INTERNATIONAL LAW AND RELATIONS

In *International Relations between the Two World Wars, 1919-1939* (London: Macmillan and Co., 1947, pp. 303, \$2.25), Professor E. H. Carr has revised and expanded his publication of ten years ago on the same general subject. As a former member of the British diplomatic service and at present professor of international politics at the University of Wales, the author is exceptionally well qualified to write a distinctive work in this somewhat overcrowded field. Carr divides his study into the following parts: the period of enforcement and alliances (1920-24); the period of pacification and the League of Nations (1924-30); the period of crisis and the return of power politics (1930-33); and the re-emergence of Germany and the end of the treaties (1933-39). The point of view of the author is primarily European and secondarily British. His references to developments in the Far East, for example, are almost entirely in terms of events in Europe, and he omits almost all discussion of Latin American affairs. Thus the Far East merits one chapter of twenty-one pages, while under the heading of "The Non-European World" he groups in twenty-five pages events relating to the Middle East, the Western Hemisphere, the British Commonwealth, and a few additional comments on Japanese expansion. In contrast with the encyclopedic volumes which serve as textbooks for classes studying this period, Carr's work is brief and com-

pact. Like many of the better English writers, moreover, his style is refreshingly uncluttered, and since he is a master of understatement, his generalizations ring true. As a result, Carr has produced a volume of superior craftsmanship.—WINIFRED N. HADSEL.

In 1939, Joseph S. Roucek published *The Politics of the Balkans* as a volume in the McGraw-Hill Studies in Political Science edited by Fritz Morstein Marx. He now has slightly revised the text of the useful volume, brought it down to date through additional sections to each chapter, and added an excellent series of maps; and the book now appears in the distinguished list of Stanford Books on World Politics as *Balkan Politics; International Relations in No Man's Land* (Stanford University Press, 1948, pp. xii, 298, \$3.50). In this edition, Professor Roucek strikes at a more general audience. He has inserted more sweeping generalizations in the new sections, some of them not too happy. No doubt intended as "shockers," such statements as the following add little, particularly when inserted among much sober and sound history: "Until after World War I, vermin filled even the big hotels; tips (baksheesh) were—and still are—compulsory to get a locomotive engineer to drive his train, a stationmaster to pass a train through. Statesmen were pickpockets." He speculates at length on why King Boris signed the Tripartite Pact, but fails to mention that the alternative was a Russian pact such as the Baltic states had signed. Considering the fate of bourgeois and royal statesmen who tried to deal with Russia, perhaps Boris might be credited with taking a gambler's chance on the only possibility of retaining his throne. If exception is taken to some of the generalizations, it should be added that many observations are very acute. In several places it is not clear whether terms such as "postwar years" refer to the First or Second World War. Often the author gets ahead of his story and then returns to pick up essential points. Thus he describes Rumania's participation in the Russian campaign before the signature of the Tripartite Pact (p. 242). There are instances of ambiguous and awkward sentences which might lead to misunderstanding on the part of the reader, notably such as the statement (p. 268) which seems to imply a British-French alliance with Yugoslavia in October, 1939, or the reference to the Montreux Pact of 1936 (p. 287). A number of typographical errors have crept in, such as 1908 for 1910 on the proclamation of the Montenegrin kingdom (p. 83) and September 12 for September 5 on Russia's declaration of war on Bulgaria (p. 65). Few books pack so much information on the Balkans as this volume contains. I prefer the older sections to the newer additions, but these too gather together much scattered material. Of real value are the footnotes, which, in addition to the list of chapter references, are a bibliographical mine.—E. C. HELMREICH.

Lawrence H. Chamberlain and Richard C. Snyder, in preparing *American Foreign Policy* (Rinehart and Co., 1948, pp. xiv, 826, \$5.00), have rendered a signal service to the college student and teacher of American foreign policy. For the most part, the book, which is designed to serve as a text for an introductory course in the subject, consists of, on the whole, well selected readings supplemented by connecting material, and in some few cases, most particularly in Part II, brief essays written by the editors. Part I well might be entitled "The Formulation and Execution of American Foreign Policy," and Part II, "The Content of American Foreign Policy." Generally speaking, the selections are provocative of thinking and are sufficient in length and in number to give a general acquaintance with the subject to which they refer. While it is easy for any one to find fault with the selection of material in a book of this type, it would seem that within the limitations of space and purpose the editors have substantially accomplished their announced intention "to provide the student with sufficient information and with such interpretations as are necessary for an understanding of what the foreign policy (or policies) of the United States is and why. . . ." The reviewer, in approaching the same task, might have given more attention to the problems of the basic nature of power politics, to the questions of dollar and oil diplomacy, to the problems of the Western Hemisphere, and to the rôle of conflicting ideologies in the present struggle between East and West. However, if there are deficiencies at these points, they can easily be filled in by the competent instructor in any course for which the book may be chosen as a text. Such courses should be many.—HAROLD F. SYLVESTER.

The Control of Alien Enemy Property (New York: Central Book Co., 1947, pp. viii, 334), by Martin Domke, is a supplement to the same author's larger work entitled *Trading with the Enemy in World War II*, published in 1943,² to which there are page references. The title of the present volume seems too narrow, since other matters besides property receive attention, e.g. internment, military service, denaturalization, and judicial remedies of aliens. Some related matters are, however, noted by the author as being outside the scope of the book (pp. 104, 131, 138). Dr. Domke has brought together an extremely useful collection of material, comprising principally holdings of courts in the United States and other countries, but including also bibliographical items and references to hearings as well as to statements and reports of executive civilian and military agencies. He does not at many points insert his own value judgments or opinions, although in exceptional cases (as at pp. 100, 142, 315) he considers critically rulings and comments on rulings or in policy. There

² See this REVIEW, Vol. 38, pp. 392 (Apr., 1944).

are some deductions from court decisions (as at p. 155), and on the subject of exchange control there is some anticipation of future development (p. 206). There are occasional references, in quotations, to international law as having bearing upon legal questions raised (as at pp. 10, 80, 195). As to the policy which the United States will ultimately adopt with respect to the treatment of private property of enemy aliens, Dr. Domke regards the question of return of such property as "at this writing, not of decisive importance" (p. 175), but properly emphasizes that the final decision on policy will rest with Congress. In appendices are texts of certain statutes and regulations (to bring the earlier publication to date) and the text of Parts VI and VII and Appendices XV-XVII of the peace treaty with Italy. There are also a bibliography, a table of cases, and an index.—ROBERT R. WILSON.

Discussion of *The Major Aspects of International Politics* (Grinnell, Iowa: Grinnell College, 1948, pp. 163, \$2.50) in 163 pages would appear at first glance an overly-ambitious venture. However, the essays comprising this small book were originally lectures delivered by a group of five scholars from several colleges for the Grinnell College Institute of International Affairs in the summer of 1947. They were obviously intended to give those attending the conference a rapid survey of world affairs as of that date and did not pretend to depth or startling originality of analysis. The approach was an interesting one. Instead of confining discussion to the more theoretical aspects of international relations, such as world trade or power politics, the first four essays deal with countries the behavior of which tends to have a determinative effect on world events: Latin America by Professor Fletcher of Knox College, China by Professor Godshall of Lehigh University, Russia and Great Britain respectively by Professors Dunner and Norton of Grinnell College. It is only in the final essay by Professor Zurcher of New York University that world organization *per se* is considered, and he seems to express the thesis of the conference by emphasizing that world government can be established only after a world community exists, and the world community can come into being only when the peoples of all countries know about and understand each other. This book will, because of its inevitable superficiality, be more useful to the lay reader than to the trained student of international affairs. However, because of its very comprehensiveness in brief space, it should find wide popularity in groups such as international relations clubs where much is to be accomplished in a short space of time.—BEATRICE McCOWN MATTISON.

Students of the Arab world will welcome the appearance of Doreen Warriner's *Land and Poverty in the Middle East* (Royal Institute of Inter-

national Affairs, 1948, pp. vii, 149, \$2.50). Miss Warriner's study is the first of a series on economic conditions of the Middle East to be published by the Royal Institute. She includes in her survey Egypt, Palestine, Trans-jordan, Syria, Lebanon, and Iraq. This pleasantly readable book is a rare novelty in the field of Middle Eastern economics, as the materials hitherto available have dealt mainly with Palestine and have usually been limited to official British reports and Zionist publications. The latter, devoted to the study of Palestine's absorptive capacity, are, of course, not entirely free from political slant. In contrast, Miss Warriner has no axe to grind. Her conclusions are not likely to please a militant Zionist or an Egyptian pasha. They are: first, that the Arab countries are generally over-populated in relation to the capacity of their agriculture; second, that there is a vast area for improvement. The latter may be accomplished by better planning and by a substantial change in the antiquated system of land tenure. The author has kind words for Jewish agricultural progress in Palestine. She warns, however, against the over-simplified theory that good will and scientific methods may bring about similar beneficial changes in Arab agriculture. The Zionist agricultural experiment, according to the author, is based on heavy financial aid from abroad, inspired by ideological rather than profit motives. It is not likely that the Arab peasantry will ever expect similar investments in their own agriculture.—GEORGE LENCZOWSKI.

An obscure chapter of American foreign policy with respect to the Monroe Doctrine, including our proffers of mediation to prevent and terminate a war among three of the American Republics, is revealed in Herbert Millington's *American Diplomacy and the War of the Pacific* (Columbia University Press, 1948, pp. 172, \$2.50). Among the more obvious of several tragic errors was the championing, by our diplomats, of the protagonists in the boundary and claims disputes between Chile, Peru, and Bolivia. One United States minister, a former Civil War general, initiated and completed arrangements for a United States naval base in Peru, without any authorization to do so. The offender was reprimanded by Secretary of State Blaine. Chile's victories of 1879-82 achieved her war aims, enabling her to expand northward through rich nitrate areas. Bolivia was denied access to Pacific ports. Peru also lost territory by the final treaty of Ancon of 1883. Throughout, there was an undertone of skullduggery by nitrates concessionaires. Mr. Millington embellishes this sorry tale with gleanings from the contemporary press of the United States, Great Britain, and Latin America. The monograph, in the Columbia University Studies in History, Economics, and Public Law, is amply documented by a painstaking scholar whose conclusion is simple: "One of the lost opportunities in our diplomatic history."—WILLARD F. BARBER.

It is the thesis of *International Migration and One World* (National Committee on Immigration Policy, 1948, pp. 107) that the United States has not assumed the rôle on solving the problem of displaced persons and refugees that its resources and world position would indicate. This is the third of a series of reports by the committee, the first two having dealt with the economic aspects of immigration and immigration in relation to population policy. This monograph sketches the development of immigration policies in the principal nations largely settled by immigrants and summarizes the results up to 1947. It reviews the changes in immigration and emigration policies of the principal European and American nations as a result of World War II and places these data alongside the projections of total population of these nations within the next twenty years done by Notestein and others for the League of Nations. The monograph is cogently written and should serve well to help enlighten both the public and its legislators on the immigration question.—WILLIAM J. RONAN.

POLITICAL THEORY AND MISCELLANEOUS

Those who feel that Hume's thought has been given less attention than it deserves in the history of political theory will especially welcome *Hume's Moral and Political Philosophy* (Hafner Publishing Co., 1948, pp. li, 388, \$3.50, paper \$1.75), edited by Henry D. Aiken. Reprinted are selections from *Essays Moral and Political*, Book III and relevant sections of Book II of the *Treatise of Human Nature*, and the entire text of the *Enquiry Concerning the Principles of Morals*. The book's title is appropriate enough in that Hume's economic and historical work is largely omitted and a group of his political writings and the moral tracts upon which they are based is offered. However, this is not a full presentation of the Scottish thinker's political theory. Such essays as "Of the Independency of Parliament," "Of Parties in General," and "Of the Balance of Power" are not to be found. Professor Aiken's thorough introduction is well reasoned. It effectively points up the organic relationship between Hume's political thought and his premises regarding human nature. Since these last are the foundation of much of modern theory, the editor and publisher have performed a service in the new edition. This is the third volume of the Hafner Library of Classics, which includes Rousseau's *The Social Contract* and Locke's *Two Treatises of Government*. It would be well if other volumes now in preparation were to provide more adequate indexing for reference purposes than does the present work.—D. MACKENZIE BROWN.

As former chairman of the F.E.P.C., Malcolm Ross, author of *All Manner of Men* (Reynal and Hitchcock, 1948, pp. 314, \$3.50), is in a position to give a clear and concise analysis and evaluation of the factors

impeding a full realization of full economic opportunity for all manner of men of all races, creeds, colors, and national origins. This volume is a genuine contribution in the field of race relations. It is equally interesting to the layman and the specialist. The author attempts a critical evaluation of the whole practice of discrimination, chiefly economic, in the United States from the colonial period to the present. Mr. Ross is of the opinion that people in the United States have always been plagued by intolerance and prejudice against certain racial and religious minorities. We have never been consistent in our racial and religious attitudes, and prejudice has obscured our vision and progress. Thus the North criticized the South for its continuance of slavery, but was not willing to admit the Negro to industry on a footing of equality with the white man. The F.E.P.C. was unpopular from the day of its inception because it had to fight prejudice both of individuals and of labor unions. It accomplished results only because of the insistent demands of war production. The author tends to place too much faith in the capacity of a peace-time F.E.P.C. to solve the problems of prejudice and discrimination in our economic structure. While undoubtedly a national agency such as this would achieve much, it does not offer the final panacea. The Supreme Court of the United States has done, and is doing, its part in pointing the way to a solution of both economic and social prejudice. Expressing the difficulty in the question of segregation of Negroes, the Court maintained (*Plessy v. Ferguson*, 163 U. S. 37, 1896) that feeling against social segregation cannot be legislated away by a court of law, because it is imbedded in local custom; but by 1917 the Court stated that "the attempt to prevent alienation of property to a person of color is not a legitimate exercise of the police power of the state and violates the Fourteenth Amendment, preventing state interference with property rights without due process of law. On May 4, 1948, the Court brought this theory to its logical conclusion when it decided that restrictive real-estate covenants directed against Negroes are a violation of due process and are not enforceable through either the federal or state courts.—ELIZABETH A. WEBER.

Planning the Neighborhood (Public Administration Service, 1948, pp. x, 90, \$2.50), by the American Public Health Association Committee on the Hygiene of Housing, deals with the physical setting in which homes should be located. Neighborhood, as used in the study is, in general, the area served by an elementary school. Certain basic health criteria which should guide the planning of residential neighborhood environment are presented and recommendations made for the selection of sites and for their development. Among the subjects considered are the development of land, utilities, and services, the provision of neighborhood community facilities, vehicular and pedestrian circulation, and neighborhood density

control. The test applied for an adequate environment is whether it supplies reasonable protection to health. The study is not a manual of design, but rather a formulation of principles and standards. It should be helpful to the technician and also to the non-technical policy-maker, to practitioners of architecture and site-planning, to planning commissions and zoning boards, to real estate developers, to large-scale investors and lending institutions, to governmental authorities responsible for home construction or for making loans for such construction, to agencies responsible for various aspects of housing and neighborhood development, and to all organizations and citizens interested in standards for healthful housing. The coöperation of many groups will be required to bring about the results sought by the committee, and it has directed this study to these many groups. Four appendices covering a glossary of housing terms, a table of potential nuisances and hazards, organizations and facilities which may supply neighborhood services, and a selected bibliography add to the value of the study. Two companion volumes now in preparation by the committee are *Planning the Home for Occupancy* and *Construction and Equipment of the Home*.—CHARLES M. KNEIER.

RECENT PUBLICATIONS OF POLITICAL INTEREST

CHARLES B. HAGAN

AND

J. AUSTIN RANNEY

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books and Pamphlets

Aikman, Duncan. The turning stream. Pp. 440. Garden City, N.Y.: Doubleday. 1948.

Bailey, Thomas A. The man in the street; the impact of American public opinion on foreign policy. Pp. 339. N.Y.: Macmillan. 1948.

Barnard, Harry. Eagle forgotten; the life of John Peter Altgeld, new ed. Pp. 484. N.Y.: Duell, Sloan & Pearce. 1948.

Bixler, L. E., Hurst, H., and Bright, J. H. Our federal constitution. Pp. 44. New Concord, Ohio, Muskingum College, 1948.

Blumenthal, Louis H. Administration of group work. Pp. 220. N.Y.: Ass'n. Press. 1948.

Bryson, Lyman. Time for reason about radio. Pp. 127. N.Y.: G. W. Stewart. 1948.

Casey, Daniel E., and Helm, William P. Slash those taxes. Pp. 128. N.Y., Duell, Sloan and Pearce. 1948.

Commager, Henry S. Documents of American history; 4th ed. Pp. 804. N.Y.: Crofts. 1948.

Cuber, John F. and Harper, Robert. A. Problems of American society: values in conflict. Pp. 412. N.Y.: Holt. 1948.

Distilled Spirits Institute, Inc. Summary of state liquor control laws and regulations . . . as of Nov. 1, 1947. 10th ed. Pp. 15. Washington, 1947.

Doob, Leonard W. Public opinion and propaganda. Pp. 607. N.Y.: Holt. 1948.

Dunn, Robert W., ed. The Palmer raids. Pp. 80. N.Y.: Internat'l. Publishers. 1948.

Eisenhower, Dwight D. Eisenhower speaks, ed. by Rudolph L. Truenbels. Pp. 318. N.Y.: Farrar, Straus. 1948.

Foster, William Z. N.Y. Herald Tribune's 23 questions about the Communist party answered. Pp. 31. N.Y.: New Century. 1948.

Gilbert, E. Albert. Insurance and your security. Pp. 258. N.Y., Rinehart. 1948.

Greenman, Russell L., and Greenman, Elizabeth B. Getting along with unions. rev. ed. Pp. 152. N.Y.: Harpers. 1948.

Gulick, Luther H. Administrative reflections from World War II. Pp. 151. Tuscaloosa, Ala.: Univ. of Ala. Press. 1948.

Harrington, Fred H. Fighting politician, Major General N. K. Banks. Pp. 312. Philadelphia: Univ. of Pa. Press. 1948.

Hawley, Florence. The Indian problem in New Mexico. Pp. 48. Albuquerque: Univ. of N.M. 1948.

Heron, Alexander R. Why men work; toward understanding in industry. Pp. 206. Stanford, Calif.: Stanford Univ. Press. 1948.

Hugh-Jones, Edward M. Woodrow Wilson and American liberalism. Pp. 309. N.Y.: Macmillan. 1948.

- Indiana State Chamber of Commerce.* Here is your Indiana; a book of facts. 3d. ed., rev. Sept. 1947. Pp. 98. Indianapolis, 1947.
- Kahn, Gordon.* Hollywood on trial; the story of the ten who were indicted. Pp. 229. N.Y.: Boni and Gaer. 1948.
- Kieman, R. N.* President Roosevelt. Pp. 240. London. Harrap. 1948.
- Kimmel, Lewis H., and Maroney, Mildred.* Governmental costs and tax levels. Pp. 163. Wash. D.C.: Brookings Inst. 1948.
- La Guardia, Fiorello H.* The making of an insurgent; an autobiography: 1882-1919, Pp. 222. Philadelphia: Lippincott. 1948.
- Larsen, C. L., and Williamson, G. G.* A comparative analysis of the constitution of South Carolina. Pp. 28. Columbia, S.C.: Univ. of South Carolina. 1947.
- Larsen, C. L., and Cowan, Conrad.* South Carolina public employee retirement systems. Pp. 30. Columbia, S.C.: Univ. of South Carolina. 1947.
- McNaughton, Frank, and Hehmeyer, Walter.* Harry Truman, President. Pp. 300. N.Y.: Whittlesey House. 1948.
- Milhollen, Hirst D., and Kaplan, Milton.* Presidents on parade. Pp. 425. N.Y.: Macmillan. 1948.
- Miller, John C.* Triumph of freedom, 1775-1783. Pp. 736. Boston: Little, Brown. 1948.
- Molyneaux, Peter.* The South's political plight. Pp. 120. Dallas: Calhoun Clubs of the South. 1948.
- Moon, Henry L.* Balance of power: the Negro vote. Pp. 256. Garden City, N.Y.: Doubleday. 1948.
- Morgan, Griscom.* Vitality and civilization. Pp. 25. Chicago, Human Events Associates. 1947.
- Oyfield, Lester B.* Criminal procedure from arrest to appeal. Pp. 614. N.Y. Oxford Univ. Press. 1948.
- Pickett, Elbert D.* Some notes on the alcohol problem. Pp. 127. Washington, Board of Temperance. 1947.
- Post, C. Gordon, et al.* Basic constitutional cases. Pp. 329. N.Y.: Oxford. 1948.
- Richardson, Lewis C.* Puerto Rico: Caribbean crossroads. Pp. 144. N.Y.: U.S. Camera Pub. Corp. 1948.
- Rostow, Eugene V.* A national policy for the oil industry. Pp. 173. New Haven: Yale Univ. Press. 1948.
- Schattschneider, E. E.* The struggle for party government. Pp. 43. College Park, Md.: Univ. of Md. 1948.
- Schneiderman, Harry, et al., eds.* American Jewish year-book. 1947-1948. Pp. 858. Philadelphia: Jewish Pub. Soc. of America. 1948.
- Schriftgiesser, Karl.* This was normalcy: an account of party politics during twelve Republican years: 1920-1932. Pp. 335. Boston: Little, Brown. 1948.
- Stuit, Dewey B. ed.* Personnel research and test development in the Bureau of Naval Personnel. Pp. 513. Princeton, N.J. Princeton Univ. Press. 1948.
- Stimson, Henry L., and Bundy, McGeorge.* On active service in peace and war. Pp. 720. N.Y.: Harpers. 1948.
- Van Cott, Edward.* Constitutional law. Pp. 248. N.Y.: Harmon Publications. 1948.
- Wallace, Henry A.* Toward world peace. Pp. 121. N.Y.: Reynal & Hitchcock. 1948.

Articles

- Agriculture.** The bill of rights of U.S. coöperative agriculture. *A. Ladru Jensen.* Rocky Mountain Law Rev. Feb., 1948.

———. Supporting agricultural prices by concealed dumping. *Theodore W. Schultz*. Jour. of Political Economy. Apr., 1948.

Business Regulation. Legal consequences of the interstate natural gas company decision and related cases. *Donald C. McCreery*. Miss. Law Jour. Mar., 1948.

———. When all the banks closed. *Arthur A. Ballantine*. Fair profit? *John W. Welcker*. Business profits during inflation. *Dan T. Smith*. Control of war contract profits. *Norman C. Parkin*. Harvard Bus. Rev. Mar., 1948.

———. Economic aspects of radio regulation. *Edwin Conrad*. Va. Law Rev. Apr., 1948.

———. Revision of the securities act. *Nathan D. Lobell*. Columbia Law Rev. Apr., 1948.

———. The supreme court and the architects of economic legislation. *James H. Strauss*. Jour. of Political Economy. Apr., 1948.

———. Problems of enforcement and interpretation of the Sherman act. *Wendell Berge*. Needed changes in legislation. *Estes Kefauver*. Am. Econ. Rev. May, 1948.

———. NAM: Spokesman for industry. *Alfred S. Cleveland*. Harv. Bus. Rev. May, 1948.

———. Railroad traffic associations and antitrust legislation. *Stuart Daggen*. The futility of trustbusting. *John Ise*. Am. Econ. Rev. May, 1948.

———. Proposals to amend the registration and prospectus requirements of the securities act of 1933. *Clark Byse* and *Raymond J. Bradley*. Univ. of Penn. Law Rev. May, 1948.

California. The pattern of California politics. *Dean E. McHenry*. West. Pol. Quar. Mar., 1948.

Churches. Organized religion, the state, and the economic order. *Harry F. Ward*. Religion and the class structure. *Liston Pope*. The churches and social problems. *Paul H. Furbey*. The churches and the clergy in world war II. *Ray H. Abrams*. The press and public relations of religious bodies. *Alfred McC. Lee*. Annals of the Am. Acad. Mar., 1948.

Civil Liberties. Freedom, order, and law. *Edmond N. Cahn*. N.Y. Univ. Law Quart. Rev. Jan., 1948.

———. Tolerance and treason. *David Cushman Coyle*. Yale Rev. Spring, 1948.

———. De constitutionis natura. *Lawrence S. Kaplan*. Social Science. Apr., 1948.

———. Loyalty tests and guilt by association. *John L. O'Brien*. Harvard Law Rev. Apr., 1948.

———. Shall we have a public defender? *Donald Freeman* and *William S. Stewart*. Mich. State Bar. Jour. Apr., 1948.

Civil Service. Wherein we're failing. *Louis J. Kroeger*. Pub. Personnel Rev. Apr., 1948.

Congress. The lawyer and the congressional investigation. *Patrick H. Ford*. So. Calif. Law. Rev. Apr., 1948.

———. A prosecutor's view of Congressional investigations. *George M. Fay*. Pa. Bar Assn. Quart. Apr., 1948.

———. Foreman in the legislative mill. *Robert St. Clair*. Nation's Bus. May, 1948.

Constitutional Law. Our membership in the United Nations and the federal treaty power under the constitution. *Jon Magnusson*. Va. Law. Rev. Feb., 1948.

———. The search for objectivity in constitutional law. *George D. Braden*. Yale Law Jour. Feb., 1948.

———. John Marshall's short way with statutes. *Wallace Mendelson*. Ky. Law Jour. Mar., 1948.

———. The post-war constitution. *Carl Brent Swisher*. Boston Univ. Law Rev. Apr., 1948.

———. Our constitutional revolution and how to round it out. *Edward S. Corwin*. Pa. Bar Assn. Quart. Apr., 1948.

———. Immunity of the state from suit by its citizens—toward a more enlightened concept (Part II). *Homer Allen Walkup*. Georgetown Law Jour. May, 1948.

Coöperatives. Utility coöperation with the co-ops. *Sutherland Dows*. Pub. Util. Quart. May 6, 1948.

Crime. Procedural aspects of the youth conservation act. *Maynard E. Pirsig*. Minn. Law Rev. Apr., 1948.

———. Little Donald took an axe. *Robert E. Coulson*. Harper's. May, 1948.

Defense. America's critical military position. *William B. Ziff*. Am. Mercury. May, 1948.

———. If biological warfare comes. *Jerome Feiner*. Harper's. May, 1948.

———. Industrial preparedness. *Sidney M. Robbins* and *Thomas E. Murphy*. Harv. Bus. Rev. May, 1948.

Economic Policy. Records in the national archives relating to the civilian conservation corps. *Harold T. Pinkett*. Soc. Service. Rev. Mar., 1948.

———. Formulating the federal government's economic program: a symposium. *Fritz Morstein Marx* (ed.), *Paul H. Appleby*, *Edwin G. Nourse* and *Bertram M. Gross*, *Harold W. Davey*, *Clarence Cannon*, *Merle Fainsod*, and *Norton E. Long*. Am. Pol. Sci. Rev. Apr., 1948.

———. Fiscal policy in prosperity and depression. *Richard A. Musgrave*. Fiscal operations as instruments of economic stabilization. *Charles O. Hardy*. Am. Econ. Rev. May, 1948.

Elections. Election year in the United States. *Eds.* Round Table. April, 1948.

———. Philadelphia preview. *Karl Keyerleber*. Curr. Hist. Apr., 1948.

———. The United States in 1948. *Harold Zink*. Pol. Quart. Apr.-June, 1948.

Finance. University costs of government contracts. *Frank P. Smith*. Accounting Rev. Apr., 1948.

———. Right or wrong—it's wrong! *Ravy Mitten*. Nation's Bus. May, 1948.

Foreign Service. The reorganization of the American foreign service. International Affairs. Apr., 1948.

Housing. Towards a farm housing policy. *Roy J. Burroughs*. Land Economics. Feb., 1948.

Interstate Relations. Divorce reform: the question of extraterritorial recognition and proposals for a uniform law. *Charles Rothenberg*. Lawyers Guild Rev. Sept.,-Oct., 1947.

———. Limitations on continued Colorado river development in Arizona. *Malcolm B. Parsons*. Rocky Mt. Law Rev. Apr., 1948.

———. The vexing Colorado river water supply problem. *Ben Avery*. Pub. Util. Fort. May 6, 1948.

Judiciary. The federal courts: (a symposium). *Brainerd Currie* (ed.), *John P. Frank*, *Stefan A. Riesenfeld* and *John N. Hazard*, *L. B. Schwarz*, *William E. Mussman* and *Stefan A. Riesenfeld*, *Ray Forrester*, *Osmond K. Fraenkel*, *Charles E. Clark*, *Frank W. Snapp*, *Henry P. Chandler*, *Will Shafroth*, *Herbert Wechsler*. Law and Contemp. Problems. Winter, 1948.

———. Disqualification for bias of judicial and administrative offices. *Joseph M. Goodman*. N.Y. Univ. Law Quart. Rev. Jan., 1948.

Labor. The new deal court, organized labor, and the Taft-Hartley Act. *Richard F. Watt*. Lawyers Guild Rev. Sept.-Oct., 1947.

———. The Taft-Hartley Act and collective bargaining. *Jerome S. Wohlmuth* and *Rhoda P. Krupka*. Md. Law Rev. Winter, 1948.

———. Supersedure and the purgatory oath under the Taft-Hartley law. *Leonard B. Boudin*. N.Y. Univ. Law Quart. Rev. Jan., 1948.

———. Myth and status systems in industry. *Richard R. Myers*. Organized labor's social security program: 1948. Social Forces. Mar., 1948.

———. On strikes and wages. *Eduard Heimann*. Soc. Research. Mar., 1948.

———. The Taft-Hartley act and state jurisdiction over labor relations. *Russell A. Smith*. Mich. Law Rev. Mar., 1948.

———. Standards and labor. *William L. Connolly*. Amer. Federationist. Mar., 1948.

———. Work and policies of the Department of Labor, 1913-1948. *Lewis B. Schwellenbach*. Monthly Labor Rev. Mar., 1948.

———. Full and free lives. *Francis Goodell*. Labor and Nation. Mar.-Apr., 1948.

———. Out of labor's past—The case of the Danbury Hatters. *Donald B. Robinson*. Labor and Nation. Mar.-Apr., 1948.

———. T-H. bunk vs. T-H facts. *J. Albert Wall* and *Herbert S. Thatcher*. Amer. Federationist. Apr., 1948.

———. An appraisal of the Taft-Hartley act. *Edwin E. Witte*. Am. Econ. Rev. May, 1948.

———. World issues and the A. F. of L. *Matthew Woll*. American Federationist. May, 1948.

———. We're rolling now. *Joseph D. Keenan*. American Federationist. May, 1948.

———. Fair employment practices legislation. *Robert J. Alexander*. Canadian Forum. May, 1948.

Lobbies. The federal regulation of lobbying act. *Belle Zeller*. Am. Pol. Sci. Rev. Apr., 1948.

Personalities. Augustus Noble Hand. *Charles E. Wyzanski, Jr.*, Harvard Law Rev. Apr., 1948.

———. The unassailable Vandenberg. *Richard H. Rovere*. Harper's. May, 1948.

———. America in the making. *Fiorello H. La Guardia*. Atlantic. May, 1948.

———. Warren of California. *Oliver Carlson*. Am. Mercury. May, 1948.

———. Wallace and the new dealers. *Nathan Robertson*. Am. Mercury. May, 1948.

———. James Madison, nationalist. *Irving Brant*. Am. Mercury. May, 1948.

———. Taft the presidential candidate. *Kenneth Crawford*. Taft replies. *Robert A. Taft*. The ordeal of Herbert Hoover. *Eugene Lyons*. Am. Mercury. June, 1948.

Personnel. Personnel administration in Puerto Rico. *John C. Honey*. Pub. Personnel Rev. Apr., 1948.

———. Examining by experts in a central personnel agency. *Bernard Rosen*. Pub. Personnel Rev. Apr., 1948.

Planning. Decentralization—defense against "atomization"? *Chester I. Barnard*. Pub. Util. Fort. May 6, 1948.

Presidency. The electoral college and presidential vacancies. *James M. Mullen*. Md. Law Rev. Winter, 1948.

———. Andrew Jackson: The people's choice. *Carol L. Thompson*. Curr. Hist. Apr., 1948.

Public Administration. Public administration and human welfare. *Grace Brown-ing*. Soc. Service Rev. Mar., 1948.

———. Federal administrative areas: an historical record of confusion and a suggested program of action. *W. Brooke Graves*. West. Pol. Quart. Mar., 1948.

———. Better use of employment tests. *Thelma Hunt*. Using visual aids to sell position classification. *Thadene Hayworth* and *Marjory Sargent*. When should an unassembled examination be used? *Kenneth L. Bean*. Pub. Personnel Rev. Apr., 1948.

———. Separation of functions in administrative agencies: part two. *Kenneth C. Davis*. Harvard Law Rev. Apr., 1948.

Public Utilities. The interstate natural gas case and proposed amendments to the Natural Gas Act of 1938. *William W. Atkinson*. Rocky Mountain Law Rev. Feb., 1948.

———. Actual legitimate original cost as a basis for utility regulation—the experience of the federal power commission. *Frederick F. Blachly* and *Miriam E. Oatman*. Georgetown Law Jour. May, 1948.

———. Utility rate control reconsidered in the light of the Hope Natural Gas case. *James C. Bonbright*. Am. Econ. Rev. May, 1948.

Race Relations. Spotlight on Mexican Americans. *Carey McWilliams*, *Gene L. Coon*, *Marion Palfi*, and *Beatrice Griffith*. Progress report. *Arnold M. Rose*. Common Ground. Spring, 1948.

———. The fair employment practices scheme. *Donald R. Richberg*. Pub. Util. Fort. Apr. 22, 1948.

Social Security. Current trends in basic principles of workmen's compensation. *Samuel B. Horowitz*. Rocky Mountain Law Rev. Feb., 1948.

———. The employer-employee relationship under the Louisiana workmen's compensation act. *Wes S. Malone*. La. Law Rev. Mar., 1948.

———. Financing public assistance and social insurance II. *Mary S. Branch*. Soc. Service Rev. Mar., 1948.

———. Social assistance or social security. *Robert J. Rosenthal*. Labor and Nation. Mar.-Apr., 1948.

———. California's disability insurance program. *Mary E. Seary*. State Govt. Apr., 1948.

Taxation. A comparative study of community property systems. *Leonard Oppenheim*. Temple Law Quar. Jan., 1948.

———. The property tax in Canada and the U.S. *Harold M. Groves*. Land Economics. Feb., 1948.

———. Federal tax problems incident to separation and divorce of husband and wife in Pennsylvania. *Richard L. Levy*. Pa. Bar. Assn. Quart. Apr., 1948.

———. The C.E.D. on federal tax reform. *O. H. Brownlee*. Jour. of Political Economy. Apr., 1948.

———. The withholding system needs revision. *Joseph A. Schafer*. Taxes. May, 1948.

———. Symposium on new estate and gift taxes. *Bert C. Bentley*, *George T. Altman*, *Samuel J. Foosaner* and *Martin M. Lore*, *John J. Raymond*, *George E. Ray* and *Oliver W. Hammonds*, *Albert Mannheimer*, and *Christian M. Lauritzen II*. Taxes. May, 1948.

———. The 1948 Revenue Act. *Mark E. Richardson* and *Dallas Blair-Smith*. Jour. of Accountancy. May, 1948.

Shipping. The merchant ship sales act of 1946. *Daniel Marx Jr.* Jour. of Business. Jan., 1948.

Torts. Government liability in tort. *Edwin Borchard*. Canadian Bar Rev. Feb., 1948.

Virginia. Barter theatre of Virginia. *Virginia W. Davis*. State Govt. Apr., 1948.

COMPARATIVE GOVERNMENT

Books and Pamphlets

- Anisimov, N. N.* Boevye zadachi vesennego seva. Pp. 62. Moscow, 1943.
- Banerjee, Anil Chandra*, comp. The constituent assembly of India. Pp. 350. Calcutta: A. Mukherjee. 1947.
- Banerji, Jogindra Kumar.* L'évolution et les perspectives du mouvement syndical aux Indes. Pp. 257. Paris: Librairie sociale et économique. 1940.
- Barham, Harry.* The building industry, a criticism and a plan for the future. London: St. Botolph Pub. Co., 1947.
- Baron, N.* The coöperative movement in labour Britain. Pp. 143. London: Gollancz. 1948.
- Baron, Noah.* British trade unions. Pp. 287. N.Y.: Macmillan. 1948.
- Barry, J. V., and Paton, G. W.* An introduction to the criminal law in Australia. Pp. 128. London: Macmillan. 1948.
- Beals, Carleton.* Sands of the dawning tomorrow; the awakening from Rio Grande to Cape Horn. Pp. 336. Indianapolis: Bobbs-Merrill. 1948.
- Benstead, Charles R.* Mother of parliaments. Pp. 147. London: F. Muller. 1948.
- Brecht, Bertolt.* The private life of the master race. Pp. 100. London: Gollancz. 1948.
- Bunge, A. E.* Stimmen zu den Bevölkerungsproblemen Argentinien. Pp. 57. Stuttgart, Publikationsstelle Stuttgart-Hamburg. 1942.
- Castberg, Frede.* Norges statsforfatning. Oslo: Arbeidernes aktietrykkeri. 1947.
- Cavallone Brebbia, Adolfo.* Cooperativismo; sociedades cooperativas en la República Argentina. Pp. 253. Buenos Aires, Editorial Semca, 1947.
- Chant, James.* The electricity supply acts. Pp. 262. London: Stevens. 1948.
- Clancy, Basil.* Ireland among the nations. Pp. 116. Tralee: Kerryman. 1948.
- Clark, Carrel I.* The parliament of Tasmania: an historical sketch. Pp. 138. Tasmania: Pimblett. 1947.
- Davidson, J. W.* The northern Rhodesian legislative council. Ed. by Margery Penham. Pp. 150. London: Faber. 1948.
- Derry, Kingston.* British institutions of to-day, rev. ed. Pp. 223. N.Y.: Longmans. 1948.
- Diaz Arana, Juan José.* Influencia de Alberdi en la constitución nacional, juicio ante una controversia. Pp. 58. Buenos Aires: V. Abeledo. 1947.
- Drake, Barbara, and Cole, Margaret I.* Our partnership with Beatrice Webb. Pp. 543. London: Longmans. 1948.
- Foot, Isaac.* Liberty and the liberal heritage. Pp. 34. London: Gollanz. 1948.
- Fraser, Maxwell.* In praise of Sweden. Pp. 297. London: Methuen. 1948.
- Furber, Holden.* John Company at work, a study of European expansion in the late eighteenth century. Pp. 407. Cambridge: Harvard Univ. Press. 1948.
- Furniwall, John S.* Colonial policy and practice; a comparative study of Burma and Netherlands India. Pp. 580. N.Y.: Macmillan. 1948.
- Gadgil, Dhananjaya R.* Regulation of wages and other problems of industrial labour in India. Pp. 101. Poona: Gokhale Institute. 1945.
- Gaete Berríos, Alfredo*, ed. La seguridad social. Pp. 147. Santiago, Chile: Prensas de la Univ. de Chile. 1946.
- Gazdar, John.* National insurance. Pp. 74. London: Stevens. 1948.
- Gliksman, Jerzy.* Tell the West. Pp. 358. N.Y.: Gresham. 1948.
- Goodrich, L. Carrington.* A short history of the Chinese people. Pp. 260. London: Allen and Unwin. 1948.

Gray, G. D. B. Soviet land; the country, its people and their work. Pp. 331. N.Y.: Macmillan. 1948.

Gulick, Charles A. Austria, from Habsburg to Hitler; 2 v. Pp. 1940. Berkeley, Calif.: Univ. of Calif. Press. 1948.

Hall, B. Farmers, bushrangers, businessmen. Pp. 158. Sydney: Currawong Pub. Co. 1947.

Hardie, Frank, and Pollard, R. S. W. Lords and Commons. London. Gollancz. 1948.

Jewkes, John. Ordeal by planning. Pp. 248. London: Macmillan. 1948.

Jong, J. F. De organen der sociaal-economische ordening. Pp. 155. Amsterdam: Arbeiderspers. 1946.

Keast, Horace. The local government service. Pp. 94. London: Thames Bank Pub. Co. 1948.

King, William L. M. Industry and humanity. Pp. 270. Toronto: Macmillan of Canada. 1947.

Koriakov, Mikhail. I'll never go back; a Red Army officer talks, tr. by Nicholas Weeden. Pp. 248. N.Y.: Dutton. 1948.

Lawrence, William H. British empire republic. Pp. 104. Boston: Christopher. 1948.

Leeson, Spencer. The public schools question. Pp. 115. London: Longmans. 1948.

Lele, P. R. Federation of India. 3d rev. ed. and enl. Pp. 177. Bombay, Popular Book Depot. 1946.

Lipson, Leslie. The politics of equality; New Zealand's adventures in democracy. Pp. 520. Chicago: Univ. of Chicago Press. 1948.

McGuire, Paul. Experiment in world order. Pp. 412. N.Y.: Morrow. 1948.

Mackay, R. W. G. Britain in wonderland. Pp. 240. London: Gollancz. 1948.

Marabuto, Paul. Les parties politiques et les mouvements sociaux sous la IV^e république. Pp. 507. Paris: Recueil Sirey. 1948.

Marioné, Émile. Les sociétés d'économie mixte en Belgique. Pp. 227. Bruxelles: E. Bruylant. 1947.

Matheu, David. The social structure in Caroline England. Pp. 140. London: Oxford Univ. Press. 1948.

Meyer, F. V. Britain's colonies in world trade. Pp. 281. London: Oxford Univ. Press. 1948.

Miller, W. R. S. Have we failed in Nigeria? Pp. 156. London: United Society for Christian Literature. 1947.

Morgan, E. Victor. The conquest of unemployment. Pp. 182. London: Low. 1948.

Morgan, J. H. The great assize. Pp. 44. London: Murray. 1948.

Morris, John. Yugoslavia. Pp. 116. London: St. Botolph Pub. Co. 1948.

Morris, Max (ed). From Cobbett to the Chartists. Pp. 260. London: Lawrence & W. 1948.

Morse, H. B. The trade and administration of China. 3d rev. ed. Pp. 505. Shanghai: Kelly and Walsh. 1921.

Nedkoff, Boris C. Die gizya (Kopfsteuer) im Osmanischen Reich, mit besonderer Berücksichtigung von Bulgarien. Pp. 55. Leipzig: O. Harrasowitz. 1942.

Newman, T. S. Digest of British social insurance. Pp. 322. London: Stone and Cox. 1948.

Norborg, Christopher. Operation-Moscow. Pp. 285. London: Latimer. 1948.

Ortega y Diaz, Marcos, ed. Naciones sobre la constitución de 1940. Pp. 422. Havana: Lex. 1947.

- Oza, Kavalram Chhabilram.* Indian states in free India. Pp. 80. Bombay: Vora. 1947.
- Peers, Edgar A.* The Catalan statute and the Cortes. Pp. 23. Liverpool: Bull. of Spanish Studies. 1933.
- Perham, Margery F.* The government of Ethiopia. Pp. 481. London: Faber & Faber. 1948.
- Prasad, Beni.* Communal settlement. Pp. 48. Bombay: Hind Kitaks. 1944.
- Presles, Luis Carlos.* Os comunistas na luta pela democracia. Pp. 45. Rio de Janeiro: Edições Horizonte. 1945.
- Ramaswamy, M.* Distribution of legislative powers in the future Indian federation. Pp. 77. London, N.Y.: Longmans, Green. 1944.
- Ramaswamy, M.* Fundamental rights; a constitutional and juridical study with particular reference to India in the light of the experience of the U.S.A. and the U.K. Pp. 252. New Delhi: Ind. Council of World Affairs. 1946.
- Rapp, Adolph.* Die deutsche Monarchie; eine geschichtliche Betrachtung. Pp. 36. Langensalza: H. Beyer. 1927.
- Riemer, Hans.* Eternal Vienna; a social-political sketch, tr. by Patricia de Ferra. Pp. 128. Vienna: Verlag für Jugend und Volk. 1946.
- Ross, Stanley.* Communism in Latin America. N.Y.: News Background. 1947.
- Samuels, H.* The law of trade unions. Pp. 96. London: Stevens. 1948.
- Sheldon, J. H.* The social medicine of old age. Pp. 239. London: Oxford Univ. Press. 1948.
- Stamp, L. Dudley.* The land of Britain; its uses and misuses. Pp. 507. London: Longmans. 1948.
- Steinbeck, John.* A Russian journal. Pp. 220. N.Y.: Viking. 1948.
- Trend, John B.* Bolivar and the independence of Spanish America. Pp. 299. N.Y.: Macmillan. 1948.
- Vas, Oskar.* Die Wasserwirtschaft und ihre Bedeutung für Österreichs Wiederaufbau. Pp. 32. Vienna: Springer, 1946.
- Warner, Richard.* The principles of public administration. Pp. 212. London: Pitman. 1948.

Articles

- Afghanistan.** Afghanistan and the northwest frontier. *Ernest Odell.* Contemp. Rev. Apr., 1948.
- Australia.** The development of soil conservation programmes in Australia. *Keith O. Campbell.* Land Economics. Feb., 1948.
- . Australia: the Banking Act of 1947. *Eds. Round Table.* Apr., 1948.
- . Australian prospects and problems. *W. Friedmann.* Fortnightly. Apr., 1948.
- Balkans.** Along the Danube. *M. W. Fodor.* Yale Rev. Spring, 1948.
- British Commonwealth.** Postwar immigration policies in the British dominions. *Laure Méizger and Phoebe Morrison.* Am. Perspective. Apr., 1948.
- . The British commonwealth as a world power. *Viscount Bruce.* Commonwealth and Empire Rev. Apr., 1948.
- . Les dominions dans l'évolution de la commonwealth britannique. *Y.-M. Goblet.* Rev. Pol. et Parl. Apr., 1948.
- Burma.** Burma's communists. *Virginia Thompson.* Far Eastern Survey. May 5, 1948.
- . The new nation of Burma. *Virginia Thompson.* Far Eastern Survey. Apr., 7, 1948.

Canada. Proceedings by and against the crown in Canada. *D. Park Jamieson*. Canadian Bar. Rev. Feb. 1948.

———. The Canadian citizenship act, 1946. *George T. Tamaki*. Univ. of Toronto Law Jour. Lent term, 1947.

———. The Canadian Japanese. *Forrest E. Laviolette*. Far Eastern Survey. Apr. 21, 1948.

———. Canada's rôle in the second assembly. *Maurice Western*. International Jour. Spring, 1948.

———. Canada's maritime prospects under E.R.P. *P. A. Koller*. International Jour. Spring, 1948.

———. Security council membership—a challenge to Canada. *I. Norman Smith*. International Jour. Spring, 1948.

———. Canada at the crossroads in foreign policy. *B. S. Keirstead*. International Jour. Spring, 1948.

———. Canadian ideals and U.S. dollars. *Bruce Hutchinson*. Am. Mercury. June, 1948.

China. Law and courts in China: progress in the administration of justice. *Roscoe Pound*. Am. Bar Assn. Jour. Apr., 1948.

———. A chance for China. *O. M. Green*. Nineteenth Century. Apr., 1948.

———. China's stand on freedom of information. *P. C. Chang*. China Magazine. Apr., 1948.

———. Coalition governments and minority parties in China. China Magazine. Apr., 1948.

———. One-party government in China. *William E. Nelson*. Far Eastern Survey. May 19, 1948.

Colombia. Some recent developments in the social sciences in Colombia. *Juan Lozano Orozco*. Soc. Sciences in So. and Cent. America. Winter, 1947-48.

Czechoslovakia. Darkness over Czechoslovakia. *Wickham Steed*, *Shiela G. Duff*, and *George Soloveytchik*. Contemp. Rev. Apr., 1948.

Eire. Ireland under de Valera. *Norman D. Palmer*. Curr. Hist. Apr., 1948.

———. Ireland: the general election. *Eds.*, Round Table. Apr., 1948.

———. The fall of Mr. de Valera. *Harry Craig*. Fortnightly. Apr., 1948.

France. Nationalization in France and Italy. *Mario Einaudi*. Soc. Research. Mar., 1948.

———. The new French law of nationality. *Robert Plaisant*. Cornell Law Quart. Mar., 1948.

———. Chronique constitutionnelle française. *Georges Berlia* and *Henri Bonneau*. Rev. de Droit Pub. Jan.-Mar., 1948.

———. Housing in France. *C. Sidney Bertheim*. Land Economics. Feb. 1948.

———. De l'irresponsabilité des fonctionnaires pour leurs fautes personnelles et des moyens d'y remédier. *Marcel Waline*. Rev. de Droit Pub. Jan.-Mar., 1948.

———. Remarques sur l'autorité des décisions administratives. *Georges Langrad*. Rev. de Droit Pub. Jan.-Mar., 1948.

———. Handling of refugees and displaced persons by the French M.M.L.A. *George W. Davis*. Soc. Service Rev. Mar., 1948.

———. French labor since the liberation. *Melton S. Davis*. Labor and Nation. Mar.-Apr., 1948.

———. Le problème du statut des entreprises publiques. *Pierre Le Brun*. Rev. Pol. et Parl. Apr., 1948.

———. The European crisis in France. *D. Thomson*. World Affairs. Apr., 1948.

- . The political evolution of France since liberation. *Alfred Cobban*. International Affairs. Apr., 1948.
- . The French crisis. *Dorothy Pickles*. Pol. Quart. Apr.-June, 1948.
- . France and the third force. *George McClure*. Canadian Forum. May, 1948.
- . Aspects of the French economy. *Pierre Jolly*. Harv. Bus. Rev. May, 1948.
- Germany. German communications under quadripartite government. *Eugene H. Merrill*. Pub. Util. Fort. May 20, 1948.
- . The problem of the heartland of Europe. *W. W. Kulski*. Jour. of Cent. European Affairs. Oct., 1947.
- . Resettlement of transferred volksdeutsche in Germany. *Joseph B. Schectman*. Jour. of Cent. European Affairs. Oct., 1947.
- . The German revolution of 1848. *Rudolf Coper*. Univ. of Toronto Quar. Jan., 1948.
- . Reconstruction politique en Allemagne zonale et interzonale. *Karl Loewenstein*. Rev. de Droit Pub. Jan.-Mar., 1948.
- . Juvenile vagrancy in Germany. *Erwin Schepses*. Soc. Service Rev. Mar., 1948.
- . German post-war constitutions. *William Fleming*. Curr. Hist. Apr., 1948.
- . A German democrat speaks. *Kurt Schumacher*. Amer. Federationist. Apr., 1948.
- . Labor relations in the U.S. zone of Germany. *Oscar Weigert*. Monthly Labor Rev. Apr., 1948.
- . The government of bizonia. *Eds.* Round Table. Apr., 1948.
- . Allied administration in Germany. *H. H. World Today*. Apr., 1948.
- . German neutrality? *W. W. Schütz*. Contemp. Rev. Apr., 1948.
- . Wanted: seven million husbands. *Robert Strausz-Hupé*. U.N. World. Apr., 1948.
- . Has Germany ceased to exist? *J. W. Brabner-Smith*. Am. Perspective. May, 1948.
- Greece. I like the Greeks. *Osbert Lancaster*. Atlantic. May, 1948.
- Great Britain. The claim of privilege for police records. *Eds.* Jour. of Criminal Law. Apr.-June, 1948.
- . Britain's economic crisis. *Frank Munk*. World Affairs Interpreter. Winter, 1948.
- . The crown proceedings act, 1947. *Thomas Barnes*. Canadian Bar Rev. Feb., 1948.
- . Treason and the trial of William Joyce. *S. C. Briggs*. Univ. of Toronto Law Jour. Lent term, 1947.
- . The Transport Act, 1947. *G. J. Walker*. Economic Jour. Mar., 1948.
- . Britain's foreign trade problem: a comment. *T. Balogh*. A reply. *G. D. A. MacDougall*. Economic Jour. Mar., 1948.
- . Economic aspects of West Indian federation. *T. E. Sealy*. Crown Colonist. Mar., 1948.
- . New lease of life for British Honduras. *Harry Luke*. Crown Colonist. Mar., 1948.
- . Britain's rôle in the world today. *Eds.* Round Table. Mar., 1948.
- . Planning and nationalisation in Great Britain. *Herman Finer*. Int. Labour Rev. Mar.-Apr., 1948.
- . What we are doing for the disabled. *Eds.* Labour. Apr., 1948.
- . Ceylon, the new dominion. *Thomas Reid*. Commonwealth and Empire Rev. Apr., 1948.

- . Will there be war? *A. L. Kennedy*. Commonwealth and Empire Rev. Apr., 1948.
- . Fashoda. *A. L. Kennedy*. Quar. Rev. Apr., 1948.
- . National savings and the budget. *F. W. Paish*. Nineteenth century. Apr., 1948.
- . Defence organisation of the future. *H. G. Thursfield*. Nat. Rev. Apr., 1948.
- . The professions under socialism. "*B.*" Nat. Rev. Apr., 1948.
- . Ties with the colonies. *Oliver Stanley*. Commonwealth and Empire Rev. Apr., 1948.
- . The postwar Solomon Islands. *Cyril Belshaw*. Far Eastern Survey, Apr. 21, 1948.
- . The second reform movement in Britain, 1850-1865. *Francis P. Herick*. Jour. of Hist. of Ideas. Apr., 1948.
- . British policy in Africa. *Jessica Ware*. Am. Perspective. Apr., 1948.
- . University representation. *T. Lloyd Humblestone*. Parl. Affairs. Spring, 1948.
- . The basis of procedure in the House of Commons—II. *Eric Taylor*. Parl. Affairs. Spring, 1948.
- . The M.P. and his constituency. *Herbert Williams*. Parl. Affairs. Spring, 1948.
- . Parliamentary privilege in 1947. *Eds.* Parl. Affairs. Spring, 1948.
- . The Jamaican experiment. *G. Louis Byles*. Parl. Affairs. Spring, 1948.
- . The criminal justice bill. *Margery Fry*. Pol. Quart. Apr.-June, 1948.
- . Notifying the conviction of a member of parliament. *Eds.* Jour. of Criminal Law. Apr.-June, 1948.
- . Public corporations in Britain. *Lord Knollys*. Pub. Util. Fort. May 6, 1948.
- . The front office goes socialist. *Paul Einzig*. Nation's Bus. May, 1948.
- . Britain's new health law. *Wilson Jameson*. Survey Graphic. May, 1948.
- India. Indians in British Guiana. *Ayube M. Edun*. India Quar. Apr.-June, 1947.
- . Economic relationship between India and Pakistan. *Bimal Ch. Sinha*. Modern Rev. Feb., 1948.
- . Two nations? *Nanimadhab Chaudhuri*. Modern Rev. Feb., 1948.
- . A critical review of the Calcutta rent ordinance, 1946. *A. N. Mukherjee*. Modern Rev. Feb., 1948.
- . The Himalayas and Indian defence. *K. M. Panikkar*. India Quar. Apr.-June, 1947.
- . The Indian national army trials. *L. C. Green*. Modern Law Rev. Jan., 1948.
- . Hindu-Moslem conflict in India. *Daniel Thorner*. Far Eastern Survey. Apr. 7, 1948.
- . India revisited; the first winter of partition. *Percival Griffiths*. Asiatic Rev. Apr., 1948.
- . India and Pakistan; the economic effects of partition. *Arthur Waugh*. Asiatic Rev. Apr., 1948.
- . Parliamentary elections in Indian provinces. *F. O. Bell*. Parl. Affairs. Spring, 1948.
- Italy. La nouvelle constitution italienne et le régionalisme (I) *A.-E. Guillaume*. Rev. Pol. et Parl. Apr., 1948.
- Japan. Japan's foreign policy (1937-1941). *Amar Lahiri*. India Quar. Apr.-June, 1947.

———. Japan: tradition and democracy. *Chitoshi Yanaga*. Far Eastern Survey. Mar. 24, 1948.

———. Postwar taxation in Japan. *Henry Shavell*. Jour. of Political Economy. Apr., 1948.

Mexico. Economic situation of Mexico in 1947. *Antonio Ruiz Galindo*. A new Mexico; some observations on general problems and on man and the earth. *Moisés T. de la Peña*. The restrictions on importation and the defense of our currency. *Antonio Carrillo Flores*. Penal legislation in Mexico (conclusion). *Raúl Carrancá y Trujillo*. Soc. Sciences in Mexico and So. and Cent. America. Winter, 1947-48.

———. Politics and fiction in Mexico. *Bertram D. Wolfe*. Am. Mercury. June, 1948.

Mongolia. A note on the constitution of the Mongolian People's Republic. *Eleanor Lattimore*. Far Eastern Survey. Apr. 7, 1948.

Newfoundland. Newfoundland looks at her future. *Eds.* Round Table. Mar., 1948.

New Zealand. Social legislation in New Zealand. *Frances N. Ahl*. Social Science. Apr., 1948.

———. Public service dilemma *J. K. Hunn*. Jour. of Pub. Admin. Sept., 1947.

———. Impressions of public administration in New Zealand. *Dean E. McHenry*. Jour. of Pub. Admin. Sept., 1947.

———. New Zealand's overseas representation. *C. A. Sharp*. Jour. of Pub. Admin. Sept., 1947.

———. Administrative tribunals. *J. L. Robson*. Jour. of Pub. Admin. Sept., 1947.

———. New Zealand: some aspects of external affairs. *Eds.* Round Table. Apr., 1948.

Rumania. Rumania: people's republic? *A. J. Fischer*. World Affairs. Apr., 1948.

Switzerland. Switzerland: centenary of a democracy. *Hans Kohn*. Yale Rev. Spring, 1948.

U.S.S.R. Currency reform in the USSR. *Paul A. Baran*. Harvard Bus. Rev. Mar., 1948.

———. Russia and the Middle East. *Jon Kimche*. Nineteenth Century. Apr., 1948.

———. Soviet ideology and propaganda. *G. H. Bolsover*. International Affairs. Apr., 1948.

———. The new communist internationale. *Martin Ebon*. Am. Mercury. June, 1948.

Venezuela. Venezuela; too much money. *A. Ronald Schiller*. UN World. May, 1948.

Yugoslavia. Reconstruction in new Yugoslavia. *Gerald G. Govorchin*. Social Science. Apr., 1948.

INTERNATIONAL RELATIONS

Books and Pamphlets

———. Anglo-Palestine yearbook, 1947-48 edn. (including the Middle East). Pp. 378. London: Anglo-Palestine Pubs. 1948.

Badoglio, Pietro. Italy in the second world war; memories and documents. Pp. 234. London: Oxford Univ. Press. 1948.

Barber, Joseph, ed. The Marshall plan as American policy; a report on the views of community leaders in twenty-one cities. N.Y.: Council on Foreign Relations, 1948.

Brinton, Crane. From many, one; the process of political integration; the problem of world government. Pp. 132. Cambridge, Mass.: Harvard. 1948.

Dean, Vera Micheles. The United States and Russia. Pp. 321. Cambridge, Mass.: Harvard University Press. 1948.

Einaudi, Luigi. I problemi economica della federazione Europea. Pp. 112. Milan: Fiaccola. 1945.

Falls, Cyril. The second world war; a short history. Pp. 317. London: Methuen. 1948.

Feis, Herbert. The Spanish story; Franco and the nations at war. Pp. 298. N.Y.: Knopf. 1948.

Friedrich, Carl J., et al. American experiences in military government in World War II. Pp. 448. N.Y.: Rinehart. 1948.

Graham, Malbone W. American diplomacy in the international community. Pp. 291. Baltimore: Johns Hopkins. 1948.

Heilperin, Michael A. The trade of nations. Pp. 234. London: Longmans. 1948.

Linebarger, P. M. A. Psychological warfare. Pp. 272. Wash. D.C.: Infantry Jour. Press. 1948.

Maugeri, Franco. From the ashes of disgrace. Pp. 384. N.Y.: Reynal & Hitchcock. 1948.

Millington, Herbert. American diplomacy and the war of the Pacific. Pp. 172. N.Y.: Columbia Univ. Press. 1948.

Mundelein College for Women. Symposium on the United Nations. Pp. 70. Chicago: Mundelein College. 1946.

Perkins, Dexter. The United States and the Caribbean. Pp. 253. Cambridge, Mass.: Harvard Univ. Press. 1948.

Purcell, Victor. The Chinese in Malaya. Pp. 327. London: Oxford Univ. Press. 1948.

Siegfried, André. The Mediterranean. Tr. by Doris Hemming. Pp. 221. London: Cape. 1948.

Smith, Sara R. The Manchurian crisis, 1931-1932. Pp. 290. N.Y.: Columbia Univ. Press. 1948.

Spaight, J. M. Air power can disarm. Pp. 173. London: Pitman. 1948.

Stapledon, William O. Seven pillars of peace. Pp. 15. London: Commonwealth. 1948.

Summers, Robert E., Comp. Economic aid to Europe: the Marshall plan. Pp. 271. N.Y.: H. W. Wilson. 1948.

Thompson, Virginia. Labour problems in south-east Asia. Pp. 283. New Haven: Yale Univ. Press. 1948.

Tyler, J. E. Great Britain, the United States, and the future. Pp. 130. London: Stevens. 1948.

Valéry, Paul. Reflections on the world today, tr. by Francis Scarbe. N.Y.: Pantheon. 1948.

Wagner, J. Russland und wir. Pp. 24. Hamburg: Sozialdemokratische Partei. 1946.

Walch, John W. Complete handbook on federal world government. Pp. 178. Portland, Me., 1947.

Warburg, James P. Put yourself in Marshall's place. Pp. 93. N.Y.: Simon & Schuster. 1948.

Warriner, Doreen. Land and poverty in the middle east. Pp. 160. London: Royal Inst. of International Affairs. 1948.

Whitaker, Arthur P. The United States and South America; the northern republics. Pp. 299. Cambridge, Mass.: Harvard. 1948.

Zander, Walter. Is this the way? A call to Jews. Pp. 47. London: Gollancz. 1948.

Articles

Antarctica. The Antarctic claims. *G. M. Coombs*. *Contemp. Rev.* Apr., 1948.

———. Rivalries in Antarctica. *G. J. B. World Today*. Apr., 1948.

Borders. South Tyrol; borderland rights and world politics. *George W. Hoffmann*. *Jour. of Cent. European Affairs*. Oct., 1947.

Colonialism. Indonesia in transition. *J. van Noordwijk*. *Canadian Forum*. Apr., 1948.

ECOSOC. The economic commission for Asia and the far east. *Victor Purcell*. *International Affairs*. Apr., 1948.

Europe. The churches and the iron curtain. *Stephen Hill*. *Fortnightly*. Apr., 1948.

———. Economic trends in Eastern Europe, I, II. *Vera Micheles Dean*. *Foreign Policy Reports*. Apr., 1, 15, 1948.

European Recovery Program. Marshall plan and Soviet-American relations. *Polyzoides*. America's stake in the future of Europe. *Norman Armour*. Possible economic depression and foreign policy. *Robert S. Gulick*. *World Affairs Interpreter*. Winter, 1948.

———. The Marshall Plan in the European struggle. *A. A. Berle, Jr.* *Soc. Research*. Mar., 1948.

———. Germany and European economic recovery. *Calvin B. Hoover*. *Yale Rev.* Spring, 1948.

———. Help between nations. *R. G. Hawtrey*. *International Affairs*. Apr., 1948.

———. The meaning of the Marshall plan. *R. P. Schwarz*. *Fortnightly*. Apr., 1948.

———. The Marshall plan. *Robert E. Elder*. *Soc. Studies*. Apr., 1948.

———. The Rhine and European recovery. *Fritz Meyer*. *Am. Perspective*. May, 1948.

———. The Marshall plan and Bogota. *William L. Neumann*. *Am. Perspective*. May, 1948.

———. The need for a controller in administration of the Marshall plan. *Harry E. Howell* and *Irving Sverdlow*. *Jour. of Accountancy*. May, 1948.

———. International law and the European recovery program. *Ernest A. Gross*. *Dept. of State Bulletin*. May 2, 1948.

———. Italy—is aid enough? *William G. Congdon*. *Atlantic*. May, 1948.

Far East. New aid to China. *Laurence E. Salisbury*. *Far Eastern Survey*. Apr. 21, 1948.

———. Can we compete in China? *John K. Fairbank*. *Far Eastern Survey*. May 19, 1948.

F. A. O. The farm income problem. *David L. MacFarlane*. *Canadian Forum*. Apr., 1948.

Greece. The Greek tangle. *Irving Brown*. *Amer. Federationist*. Mar., 1948.

Human Rights. Human rights and international organization. *David Mitrany*. *India Quar.* Apr.-June, 1947.

Indonesia. Truce in Indonesia. *Raymond Kennedy*. *Far Eastern Survey*. Mar. 24, 1948.

I. L. O. I. L. O. work for migrants. *Eds.* *Labour*. Apr., 1948.

International Trade. The controversy over extending the reciprocal trade program. *Congressional Digest*. May, 1948.

———. The importance of imports. *Willard L. Thorp*. *Dept. of State Bulletin*. May 9, 1948.

Mediterranean. British influence in the Mediterranean. *V. de Korostovetz*. *Contemp. Rev.* Apr., 1948.

Military Government. Some problems of military law and government. *Louis E. Levinthal*. *Pa. Bar Assn. Quart.* Apr., 1948.

Palestine. Eminent domain among peoples. *Abraham C. Weinfeld*. *Temple Law Quar.* Jan., 1948.

———. Trade unionism in Palestine. *Abba Hushi*. *Amer. Federationist*. Mar., 1948.

———. National movement for freedom in Syria and Palestine. *Burhan Dajani*. *India Quar.* Apr.-June, 1947.

———. The United Nations and the Palestine question. *A. S. Eban*. *World Affairs*. Apr., 1948.

———. The Palestine problem—a new solution. *Hugh J. Schonfield*. *Liberal Mag.* Apr., 1948.

———. Haganah. *Peter Sinclair-Thomson*. *Fortnightly*. Apr., 1948.

———. The charter and U.S. policy on Palestine. *Clyde Eagleton*. *U.N. World*. Apr., 1948.

———. The inside story of the Palestine fiasco. *Ladislav Farago*. *U.N. World*. May, 1948.

Pan-Africanism. Pan-Africanism: political, economic, strategic, or scientific? *Louis Kraft*. *International Affairs*. Apr., 1948.

Peace. The Nobel prizes. *Herman Ericksson*. *Scientific Monthly*. May, 1948.

Peace Treaties. Reparations; A German appraisal. *Laure Metzger*. *Am. Perspective*. May, 1948.

Public Interest. Are we doing our homework in foreign affairs? *John W. Gardner*. *Yale Rev.* Spring, 1948.

Regions. Rivalry for control of Latin American labor. *William L. Neumann*. *Am. Perspective*. Apr., 1948.

———. C. I. T. gets down to business. *Serafino Romnaldi*. *American Federationist*. May, 1948.

———. Dictatorship in the Caribbean. *Robert J. Alexander*. *Canadian Forum*. May, 1948.

Socialism. World socialism. *Eds.* *U.N. World*. Apr., 1948.

Trusteeships. Trusteeship in Micronesia. *Leonard Mason*. *Far Eastern Survey*. May 5, 1948.

United Nations. Der Schutz der Menschenrechte durch die United Nations. *Kurt Stillschweig*. *Rev. de Droit Int.* Oct.-Dec., 1942.

———. Le règlement pacifique des différends internationaux selon les dispositions de la charte des nations unies. *Jules Székely*. *Rev. de Droit Int.* Oct.-Dec., 1947.

———. United Nations in 1947. *Royal Purcell*. *International police force*. *Totton J. Anderson*. *World Affairs Interpreter*. Winter, 1948.

———. The charter of the United Nations. *L. S. St. Laurent*. *Canadian Bar Rev.* Feb., 1948.

———. Withdrawal from the United Nations. *Hans Kelsen*. *West. Pol. Quar.* Mar., 1948.

———. The South African Indians and U. N. O. *Michael Vane*. *Quar. Rev.* Apr., 1948.

———. 1096 days of progress. *Warren F. Austin*. *U.N. World*. Apr., 1948.

UNESCO. The arts and UNESCO. *Herman Voaden*. *Univ. of Toronto Quar.* Jan., 1948.

War Crimes. La définition du crime contre l'humanité. *Joseph Dautricourt*. Rev. de Droit Int. Oct.-Dec., 1947.

———. War criminals and the law of the United Nations. *F. B. Schick*. Univ. of Toronto Law Jour. Lent term, 1947.

———. The crime of war and the Soviets. *M. J. Bonn*. Contemp. Rev. Apr., 1948.

World War III. The Truman doctrine in international law. *Alexander N. Sack*. Lawyers Guild Rev. July-Aug., 1947.

———. Finland under pressure. *A. G. S. World Today*. Apr., 1948.

———. Strategy after Czechoslovakia. *Jules Menken*. Nat. Rev. Apr., 1948.

———. The cold war: Korean elections. *Yongjeung Kim*. Far Eastern Survey. May 5, 1948.

———. Can Russia win a shooting war? *Junius B. Wood*. Nation's Bus. May, 1948.

———. Stop Russia's subversive war. *William J. Donovan*. Atlantic. May, 1948.

———. How can Stalin be stopped? *Eugene Lyons*. Am. Mercury. May, 1948.

LOCAL GOVERNMENT

Books and Pamphlets

Bracken, Claire. Small government career service. Pp. 56. College Park, Md.: Univ. of Md. 1948.

Chand, Gyan. Local finance in India. Pp. 334. Kikabhai Premchand readership lectures, Univ. of Delhi. 1944.

Kekwick, J., and Pollard, Robert S. W. Town and country planning law. Pp. 128. London: Stevens. 1948.

Mead, John P. R. Johannesburg and the art of self-government. Pp. 103. Johannesburg: R. L. Esson. 1937.

Munnisiwamy, Aiyar M. K. Statutory gram-panchayats (village local self-government) in India. Pp. 79. Calcutta: M. P. Gandhi. 1929.

Rodriguez, Leonardo. Contabilidad municipal. Pp. 169. Managua. 1945.

Schwartz, W. H. Correction officer, transit patrolman, bridge and tunnel officer; a carefully compiled civil service course book, Pp. 77. N.Y.: National Institute for Home Study. 1948.

Ware, Caroline F. Estudios de la comunidad. Pp. 153. Rio Pedra, Puerto Rico: Centro de Investigaciones Sociales, Univ. of Puerto Rico. 1947.

Warren, T. H. Municipal administration. Pp. 254. London: Pitman. 1948.

Weitz, Alice C. Youth and your community. Pp. 31. N.Y.: Public Affairs Committee. 1948.

Articles

Annexation. Elements of successful annexations. *John C. Bollens*. Pub. Management. Apr., 1948.

Austria. Vienna's struggle for recovery. *Ing. F. Musil*. American City. Feb. 1948.

City Managers. Teterboro—lilliputian council-manager city. *Bennett M. Rich* and *George H. Cunningham*. American City. May, 1948.

Denmark. The Danish state police school. *H. S. Kemble*. Police Jour. Apr.-June, 1948.

Finance. Municipal-university financial relations. Pub. Management. May, 1948.

Fire. Wayne county sets the pace in forest fire control. *Carl I. Peterson*. Tenn. Planner. Apr., 1948.

- Garbage.** Ground garbage. *William S. Foster.* American City. Feb., 1948.
- . An activated-sludge improvement. *Martin A. Milling.* American City. Apr., 1948.
- Great Britain.** Town and country planning in Great Britain. *C. Cameron.* Jour. of. Pub. Admin. Sept., 1947.
- Hungary.** Hungary today. *Blanche Lucas.* World Affairs. Apr., 1948.
- India.** Village betterment in the new India and Pakistan. *Harold Mann.* Asiatic Rev. Apr., 1948.
- Licensing.** Licensed premises: some hints on inspection and supervision. *Frederick Pickard.* Police Jour. Apr.-June, 1948.
- Metropolitan Areas.** Governmental problems of fringe areas. *Victor Roterus and I. Harding Hughes Jr.* Pub. Management. Apr., 1948.
- . Metropolitan area regulation for border-line cities. *Arnold Haines.* Pub. Util. Fort. Apr. 22, 1948.
- Mexico.** Rural Mexico. *Rafael Ramirez.* Soc. Sciences in Mexico and So. and Cent. America. Winter, 1947-48.
- Municipal Administration.** Developments in Colorado municipal administration. *Leo C. Riethmayer.* West. Pol. Quar. Mar., 1948.
- Parks.** What is a state park? *B. R. Allison.* Tenn. Planner. Apr., 1948.
- Peru.** Peru establishes a national housing corporation. *David Vega-Christie.* American City. Feb., 1948.
- Planning.** What's stopping urban redevelopment? *Mel Scott.* American City. Apr., 1948.
- Public Health.** Chicago's health crusader. *Paul de Kruif.* Am. Mercury. May, 1948.
- Public Ownership.** The community goes into business. *Richardson Wood.* Harvard Bus. Rev. Mar., 1948.
- Public Relations.** Trends in reporting to the public. *Henry F. Goodnow.* Pub. Management. May, 1948.
- Recreation.** Tacoma's new recreation commission. *Thomas W. Lantz.* American City. Feb., 1948.
- Traffic.** Modern transportation to reduce traffic congestion. *John Bauer.* Pub. Management. May, 1948.
- Water.** Portsmouth's reconverted water supply. *X. D. Murden.* American City. Feb., 1948.
- Zoning.** The legal background of zoning. *William M. Maltbie.* Conn. Bar. Jour. Mar., 1948.

POLITICAL AND LEGAL PHILOSOPHY

Books and Pamphlets

- Ahad Ha-Am,* Essays, letters, memoirs, tr. by Leon Simon. Pp. 354. N.Y.: Crown. 1948.
- Aristotle,* the Politics of. tr. by Ernest Barker. Pp. 452. London: Oxford Univ. Press. 1948.
- Bowle, John.* Western political thought. Pp. 461. London: J. Cape. 1947.
- Bremmer, Reginald.* L'état, ennemi public n. 1. Pp. 288. Neuilly-sur-Seine: Robeyr: 1947.
- Channing-Pearce, Melville.* Soren Kierkegaard; a study. Pp. 104. London: Clarke. 1948.
- Curcio, Carlo.* Utopisti e riformatori sociali del cinquecento. Pp. 212. Bologna: N. Zanichelli. 1941.

de Lubac, Henn. The un-Marxian socialist; a study of Proudhon. Tr. by Canon R. E. Scantlebury. Pp. 304. London: Sheed and Ward. 1948.

de Ruggiero, Guido. Il ritorno alla ragione. Pp. 298. Vari: G. Laterza, 1946.

Ewing, Robert. Money pitfalls in labor's socialism—the cure (Australia). Melbourne. 1947.

Frankel, Charles. The faith of reason; the idea of progress in the French enlightenment. Pp. 175. N.Y.: King's Crown Press. 1948.

Freidel, Frank. Francis Lieber, nineteenth-century liberal. Pp. 458. Baton Rouge: La. State Univ. Press. 1948.

Gadd, C. J. Ideas of divine rule in the ancient East. Pp. 101. London: Oxford Univ. Press. 1948.

Griswold, A. Whitney. Farming and democracy. Pp. 236. N.Y.: Harcourt. 1948.

Guardini, Romano. The death of Socrates; an interpretation of the Platonic dialogues, tr. by Basal Wrighton. Pp. 190. N.Y.: Sheed & Ward. 1948.

Hamilton, Alexander, et al. The Federalist, ed. by *Max Beloff*. Pp. 555. N. Y.: Macmillan. 1948.

Heinz, Henry J. The last defense. Pp. 194. N.Y.: Eagle Books, 1947.

Jones, Marc E. Gandhi lives. Pp. 192. Philadelphia: McKay. 1948.

Karam, Francisco. O estado capitalista, notas sobre o estado, o juro e o desemprego. Pp. 246. Rio de Janeiro, 1940.

Kern, Fritz. Kingship and law in the middle ages. Pp. 214. London. Blackwell. 1948.

Kirby, Louis P. The age of fear. Pp. 651. Boston: Meador Pub. Co., 1948.

Laird, John. On human freedom. Pp. 152. London: Allen and Unwin. 1948.

Lewis, L., et al. The communist answer to the challenge of our times. Pp. 85. London: Thames Publications. 1947.

Lobo Vilela, Antonio. Linha geral (artigos políticos). Pp. 148. Lisbon: Seara Nova. 1946.

Malatesta, Errico. Scritti scelti, a curadi C. Zaccaria e G. Berneri. Pp. 391. Naples: Edizioni R. L. 1947.

Malone, Dumas. Jefferson the Virginian. Pp. 504. Boston: Little, Brown. 1948.

Murrey, John Middleton. The free society. Pp. 291. London: Dakers. 1948.

Nehru, Jawaharlal. Nehru on Gandhi. Pp. 160. N.Y.: John Day. 1948.

O'Rourke, Lawrence James. Our democracy and its problems. Pp. 712. Boston: Heath. 1947.

Paton, Herbert J. The categorical imperative; a study in Kant's moral philosophy. Pp. 283. Chicago: Univ. of Chicago Press. 1948.

Pedroso, Felix. The world the world wants (a sociocratic order). Pp. 221. São Paulo. 1947.

Plamenatz, John. What is communism? Pp. 120. London. National News Letter. 1948.

Ramirez, Rigoberto. La dictadura marxista-leninista. Pp. 178 Santiago, Chile: Editorial pia sociedad San Pahló. 1947.

Recaséne Siches, Luis et al. Latin-American legal philosophy, tr. by Gordon Ireland and others. Pp. 594. Cambridge, Mass: Harvard. 1948.

Reder, Melvin Warren. Studies in the theory of welfare economics. Pp. 208. N.Y.: Columbia Univ. Press. 1948.

Rehwinkel, Alfred M. Communism and the church. Pp. 143. St. Louis: Concor- dia. 1948.

Reyburn, H. A. Nietzsche; a story of a human philosopher. Pp. 500. London: Macmillan. 1948.

Robertson, Archibald. Man his own master; an essay in humanism. Pp. 158. London: Watts. 1948.

Sánchez de Arévalo, Rodrigo. Suma de la política, edición y estudio de Juan Beneyto Pérez. Pp. 134. Madrid: Consejo Superior de Investigaciones Científicas, Instituto 'Francisco de Vitoria'. 1944.

Sayre, Paul L. The life of Roscoe Pound. Pp. 412. Iowa City, Ia.: Univ. of Ia. 1948.

Schoch, M. Magdalena, ed. The jurisprudence of interest. Pp. 360. Cambridge, Mass.: Harvard. 1948.

Schrecker, Paul. Work and history; an essay on the structure of civilization. Pp. 340. Princeton, N. J.: Princeton. 1948.

Sheen, Fulton J. Communism and the conscience of the West. Pp. 247. Indianapolis: Bobbs-Merrill. 1948.

Shub, David. Lenin; a biography. Pp. 446. Garden City, N. Y.: Doubleday. 1948.

Somervell, David C. English thought in the nineteenth century. 5th ed. Pp. 251. N.Y.: Longmans. 1948.

Tepper, Joseph L. Monojuris; a diagnosis of the ills of modern society and a program for the guidance of our political and economic actions through reason. Pp. 160. N.Y.: Williams-Frederick Press. 1947.

Toynbee, Arnold J. Civilization on trial. Pp. 270. N. Y.: Oxford. 1948.

Turgot, Anne R. J. Turgot, 1727-1781; textes choisis et préf. par Pierre Vigreux. Pp. 429. Paris: Librairie Dalloz. 1947.

Urwick, L. The elements of administration. Pp. 132. London: Pitman. 1948.

Veblen, Thorstein B. The portable Veblen, ed. by Max Lerner. Pp. 639. N.Y.: Viking. 1948.

von Mises, Ludwig E. Le gouvernement omnipotent de l'état totalitaire à la guerre totale; trans. de l'anglais par M. de Hulster. Pp. 408. Paris: Librairie de Médecis, 1947.

von Mises, Ludwig. Economic planning. Pp. 28. N.Y.: Dynamic America. 1945.

Waldo, Dwight. The administrative state; a study of the political theory of American public administration. Pp. 227. N.Y.: Ronald. 1948.

Wavell, Earl. The triangle of forces in civil leadership. Pp. 24. London: Oxford Univ. Press. 1948.

Weber, Alfred. Farewell to European history; or, the conquest of nihilism, tr. by R. F. C. Hull. Pp. 224. New Haven, Conn.: Yale. 1948.

Winslow, E. M. The pattern of imperialism; a study in the theories of power. Pp. 290. N.Y.: Columbia Univ. Press. 1948.

Wright, David M. Democracy and progress. Pp. 220. N.Y.: Macmillan. 1948.

Articles

Christianity. A Christian new order. *Cardinal Griffin.* World Affairs. Apr., 1948.

Condorcet. Condorcet. *Alexandre Koyré.* Jour. of Hist. of Ideas. Apr., 1948.

Conservatism. Conservatism—nations and groups. *T. E. Ulley.* Nat. Rev. Apr. 1948.

Constitutionalism. The evolution of constitutionalism. *C. Perry Patterson.* Minn. Law Rev. Apr., 1948.

Democracy. Science and education in a democracy. *Austin L. Porterfield.* Social Science. Apr., 1948.

Economics. The Gandhian approach to economics. *P. A. Wadia*. *India Quar.* Apr.-June 1947.

Ethics. Economics collides with ethics. *Ralph E. Flanders*. *Am. Econ. Rev.* May, 1948.

Functions. The functions of modern government; a reinterpretation. *Thomas I. Cook*. *West. Pol. Quar.* Mar. 1948.

Industry and politics. Co-ownership in industry. *Walter James*. *Fortnightly*. Apr., 1948.

———. Work and incentives in a democratic society. *J. D. Sutherland*. *Pol. Quart.* Apr.-June, 1948.

Latin-America. The transmutation of Latin America. *George Brinsmead*. *Nineteenth Century*. Apr., 1948.

Law. The state and the law. *Hartley Shawcross*. *Modern Law Rev.* Jan., 1948.

———. Roman law as an element in European culture. *J. Kerr Wylie*. *South African Law Jour.* Feb., 1948.

———. Gilbert de Thornton's *Summa de Legibus*. *S. E. Thorne*. *Univ. of Toronto Law Jour.* Lent term, 1947.

———. Stone on jurisprudence. *Cecil A. Wright*. *Univ. of Toronto Law Rev.* Lent term, 1947.

———. Louisiana law; its development in the first quarter-century of American rule. *Samuel B. Groner*. *La. Law Rev.* Mar., 1948.

———. The law belongs to the people. *William T. Gossett*. *Mich. State Bar Jour.* Apr., 1948.

Liberalism. The churches and the liberal tradition. *John H. Randall, Jr.* *Annals of the Am. Acad.* Mar., 1948.

———. Liberalism, socialism, and communism. *W. L. Burn*. *Nineteenth Century*. Apr., 1948.

Physiocrats. Quesnay and Physiocracy. *Thomas P. Neill*. *Jour. of Hist. of Ideas*. Apr., 1948.

Political Science. The state of political science. *Charles Fairman*. *West. Pol. Quar.* Mar., 1948.

———. Neglected aspects of political science. *Charles A. Beard*. *Geographic and other scientific techniques for political science*. *S. Whittemore Boggs*. *Am. Pol. Sci. Rev.* Apr., 1948.

Revolution. The intellectuals' revolution, 1848. *Felix E. Hirsch*. *Curr. Hist.* Apr., 1948.

Sinism. Sinism—a historical critique. *Maurice T. Price*. *Jour. of Hist. of Ideas*. Apr., 1948.

Socialism. The socialist delusion. *Jan Gray*. *Liberal Mag.* Apr., 1948.

———. European socialism: barrier or precursor? *Douglas Woodruff*. *Soundings*. Apr., 1948.

———. Socialism and pseudo-socialism. *Michael Lindsay*. *Pol. Quart.* Apr.-June, 1948.

Sovereignty. The problem of sovereignty reconsidered. *Hans J. Morgenthau*. *Columbia Law Rev.* Apr., 1948.

Trotsky. Leon Trotsky: writer and historian. *Robert D. Warth*. *Jour. of Modern Hist.* Mar., 1948.

Veblen. Veblen and Marx. *Bernard Rosenberg*. *Soc. Research*, Mar., 1948.

Weber. Some remarks on "The theory of social and economic organization." *Edward A. Shills*. *Economica*. Feb., 1948.

MISCELLANEOUS

Books and Pamphlets

- Adams, Samuel H.* Plunder; a novel. Pp. 348. N.Y.: Random House. 1948.
- Arnold, Joseph I.* Building our life together; the essentials of good citizenship. rev. ed. Pp. 794. Evanston, Ill.: Row, Peterson. 1948.
- Bromfield, Louis.* Malabar farm. Pp. 413. N.Y.: Harper. 1948.
- Clarke, Winifred.* George Bernard Shaw; an appreciation and interpretation. Pp. 48. London: Sherratt. 1948.
- Davidson, Martin.* The stars and the mind; a study of the impact of astronomical development on human thought. Pp. 210. London: Watts. 1948.
- Eastwood, James, and Tabori, P.* '48 the year of revolutions. Pp. 272. London. Meridian. 1948.
- Frank, Lawrence K.* Society as the patient; essay on culture and personality. Pp. 409. New Brunswick, N.J.: Rutgers Univ. Press. 1948.
- Gassert, Georg.* Grundbegriffe der Krankenversicherung. Pp. 100. Berlin, Verlag für Wirtschaft und Verwaltung. 1940.
- Goebbels, Joseph.* The Goebbels diaries, 1942-1943. ed. and tr. by Louis P. Lochner. Pp. 575. Garden City, N.Y.: Doubleday. 1948.
- Jones, Virgil C.* The Hatfields and the McCoys. Pp. 293. Chapel Hill, Univ. of N.C. Press. 1948.
- Melo, Carlos F.* Esclavitud. Pp. 101. Cordoba, Argentina: Imprenta de la universidad. 1947.
- Newton, Frances E.* Fifty years in Palestine. Pp. 328. London: Coldharbour. 1948.
- Slater, Humphrey.* Conspirator; a novel. Pp. 184. N.Y.: Harcourt. 1948.
- Trueblood, D. Elton.* Foundations of civilization. Pp. 152. London: Eyre. 1948.
- Winstedt, Richard.* The Malaya; a cultural history. Pp. 166. London: Paul. 1948.

Articles

- America.** The vision that America sees. *Ellis G. Arnall.* Survey Graphic. May, 1948.
- . Andrew Jackson, representative of American frontier democracy. *John P. Dix.* Soc. Studies. Apr., 1948.
- Community.** The community council and the community. *Harold V. Miller.* Tenn. Planner. Apr., 1948.
- . Community research; development and present condition. *August B. Hollingshead.* Am. Social. Rev. Apr., 1948.
- Coöperatives.** Coöperatives in postwar Europe. *Florence E. Parker.* Monthly Labor Rev. Apr., 1948.
- Economics.** Individual and collective wants. *Theo Surányi-unger.* Jour. of Political Economy. Feb., 1948.
- Psychiatry.** Social psychiatry. *H. Warren Dunham.* Am. Sociol. Rev. Apr., 1948.
- Groups.** On the rationale of group decision-making. *Duncan Black.* Jour. of Political Economy. Feb., 1948.
- Leadership.** Leadership: how can it be improved? *Stephen S. Visher.* Social Science. Apr., 1948.
- Science.** The faith of science. *Arthur Ward Lindsey.* Scientific Monthly. May, 1948.
- Sociology.** The position of sociological theory. *Talcott Parsons.* Am. Sociol. Rev. Apr., 1948.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Budget Bureau

Budget administration; materials prepared for training conferences on budget administration, sponsored by Conference Committee on Budgetary Administration, 1947. Washington: Govt. Ptg. Off., 1948. v.p.

Census Bureau

Balances in state general, highway, and postwar reserve funds in 1947. Washington, 1948. 11 p. (processed)

———Characteristics of families and subfamilies in the United States in April, 1947. Washington, 1948. 17 p. (processed)

———Compendium of city government finances in 1946. [The 397 cities covered are those having 1940 populations over 25,000]. Washington, 1948. 118 p. (processed)

———Educational attainment of the civilian population, April, 1947. Washington, 1948. 15 p. (processed)

———Forecasts of population of United States, 1945-75; by P. K. Whelpton, Hope Tisdale Eldridge, and Jacob S. Siegel. Washington, 1947. 113 p. 45c.

———Internal migration in the United States, April, 1940, to April, 1947. Washington, 1948. 29 p. (processed).

———Governmental debt in 1947. Washington, 1948. 11 p. (processed)

———Public employment in October, 1947. Washington, 1948. 14 p. (processed)

———Summary of county government finances in 1946. Washington, 1948. 11 p. (processed)

———Summary of state government finances in 1947. Washington, 1948. 16 p. (processed)

Civil Affairs Division, Army Department

Trial of major war criminals before International Military Tribunal, Nuremberg, Nov. 14, 1945-Oct. 1, 1946. (This set of official documents, 37 volumes, will be sold at \$50 for the complete set. About fifteen volumes have already been printed.)

Congress

Joint committee on the economic report. Joint economic report . . . to the President. Wash: Govt. Ptg. Off., 1948. 69 p.

Judiciary committees. Joint hearings, 80th Cong., 2d sess. . . . Title to submerged lands beneath tidal and navigable waters. Washington: Govt. Ptg. Off., 1948. 1703 p.

House of representatives. Committee of the whole. Organization, functions, and relative costs of personnel offices. Report . . . pursuant to H. Res. 176. Washington: Govt. Ptg. Off., 1948. 49 p. (H. Report 2198, 80th Cong., 2d sess.)

———*Banking and currency committee.* Export controls. Hearings . . . 80th Cong., 2d sess., on H. R. 5470. Washington: Govt. Ptg. Off., 1948. 116 p.

———*Education and labor committee.* Investigation to ascertain scope of interpretation by general counsel of National Labor Relations Board of the term "affecting commerce," as used in the Labor-Management Relations Act, 1947. Hearings, 80th Cong., 2d sess. . . . Washington: Govt. Ptg. Off., 1948. 44 p.

———*Foreign affairs committee.* Foreign assistance act of 1948. Report . . . on S. 2202. Washington: Govt. Ptg. Off., 1948. 106 p. 30c.

———United States foreign policy for postwar recovery program, hearings, 80th Cong., 1st and 2d sessions, on United States foreign policy . . . first step being consideration of proposals for European recovery program . . . Washington: Govt. Ptg. Off., 1948. 2 pts. (pt. 1, \$2.50; pt. 2, \$2.25)

———*Committee on foreign aid.* Present function and organization of United States and international agencies related to a program for aid and recovery . . . Preliminary report. Washington: Govt. Ptg. Off., 1948. 96 p.

———*Judiciary committee.* Providing for equality under naturalization and immigration laws. Hearings . . . 80th Cong., 2d sess., on H. R. 5004. . . . Washington: Govt. Ptg. Off., 1948. 209 p. (Serial no. 18).

———*Select committee on small business.* Government competition with and assistance to business. Hearings . . . 80th Cong., 2d sess. . . . coöperative corporations. Washington: Govt. Ptg. Off., 1948. 681 p.

Senate. District of Columbia committee. Home rule and reorganization for District of Columbia, joint hearings, Senate and House Committees, 80th Cong., 2d sess., on S. 1968 and H. R. 4902 Washington: Govt. Ptg. Off. 1948. 557 p. (pt. 1) \$1.25.

———*Finance committee.* Oleomargarine tax repeal. Hearings . . . 80th Cong., 2d sess. on H. R. 2245. . . . Washington: Govt. Ptg. Off., 1948. 403 p.

———*Foreign relations committee.* European recovery program, hearings, 80th Cong., on United States assistance to European economic recovery . . . pts. 1-3. Washington: Govt. Ptg. Off., 1948. 1466 p.

———Outline of European recovery program, draft legislation and background information submitted by Department of State. . . . Washington: Govt. Ptg. Off., 1948. 131 p. 30c.

———*Judiciary committee.* Crime of lynching, hearings . . . 80th Cong., 2d sess., on S. 42, A. 1352, and S. 1465 Washington: Govt. Ptg. Off., 1948. 198 p. 35c.

———*Labor and public welfare committee.* Reorganization plan no. 1 of 1948, hearings, 80th Cong., 2d sess . . . Washington: Govt. Ptg. Off., 1948. 241 p. 40c.

———*Post office and civil service committee.* Salaries of federal government employees, hearings . . . Washington: Govt. Ptg. Off., 1948. 607 p., 69 p. \$1.50; 20c.

General Accounting Office

United States Government salary tables, executive branch of government, effective with respect to wages paid on or after May 1, 1948 Official salary table 29. Washington: Govt. Ptg. Off., 1948. folded sheet.

Justice Department

Immigration and naturalization service. Immigration and nationality laws and regulations: supplement III, Jan. 1 through Dec. 31, 1946. Washington: Govt. Ptg. Off., 1947. 266 p. 55c.

———Our constitution and government, lessons . . . for use in public schools by candidates for citizenship; simplified edition prepared by John G. Hervey. . . . Washington: Govt. Ptg. Off., 1948. 222 p. map. 55c.

Labor Department

Labor standards division. Discussion of labor laws and their administration, 1947; proceedings of 30th convention of international association of governmental labor officials, Asheville, Sept. 23-25, 1947. Washington: Govt. Ptg. Off., 1948. 93 p. 30c. (Labor standards division bulletin 93.)

Library of Congress

A few notes . . . upon the Declaration of Independence. Washington, 1948. 11 p.
Library and reference facilities in the area of the District of Columbia. 3d. ed. Washington, 1948. 132 p. (processed)

Legislative reference service. Public affairs bulletins:

61. Federal aid to elementary and secondary education. C. A. Quattlebaum. Washington, 1948. 191 p. (mim.)

President

Higher education for American democracy: v. 6, Resource data. . . . Washington: Govt. Ptg. Off., 1948. 51 p. 50c.

State Department

The following in the numbered series of State Department publications have appeared, all from the Government Printing Office, 1948.

2969. Treaty of peace with Roumania. 158 p. 35c.
 3006. Narcotic drugs. Treaties and other international acts. 60 p. 20¢.
 3012. Information for bearers of passports. 65 p. Free.
 3016. Inter-American conference for the maintenance of continental peace and security. Quitandinha, Brazil, Aug. 15-Sept. 2, 1947. 225 p. 40¢.
 3026. Relief assistance. Treaties and other international acts series 1674. 43 p. 15¢.
 3093. European recovery program: Commodity reports including manpower. 447 p. (mim.)
 3107. General agreement on tariffs and trade. (In four volumes). v. 1. 80 p. (processed)
 3117. Havana charter for an international trade organization, March 24, 1948. 77 p.
 3119. First report to Congress on the United States foreign aid program. 32 p. 15¢.
 3130. Selected publications and materials relating to American foreign policy. 23 p.
 3131. International civil aviation, 1945-1948; report of the representative of the United States of America to the International Civil Aviation Organization.
 3139. Address by the Secretary of State before the second plenary session of the ninth international conference of American states. Bogota, Colombia, April 1, 1948. 14 p.
 3145. Convention for European economic coöperation, with related documents. Paris, April 16, 1948. 51 p.
 3150. United Nations conference on freedom of information, Geneva, March 23-April 21, 1948. Report of the United States delegates, with related documents. 45 p.
 3159. Strengthening the United Nations. Statement by George C. Marshall . . . 10 p.
 3169. Problems of American foreign relations. Charles E. Bohlen, Counselor, Dept. of State. 16 p.
- "Documents and State Papers," the first issue of which appeared in April, 1948,

is "a monthly periodical prepared and edited in the Division of Publications, Office of Public Affairs, [which] will provide, as a complement to the Department of State Bulletin, long-range information in the field of international relations, the Department of State, and the Foreign Service. "Documents and State Papers" will include documentary reports and texts, specially prepared policy papers, texts of treaties and international agreements, and basic background studies. . . ." Subscription price, \$3.00.

STATE AND TERRITORIAL

ALABAMA

State department of revenue. Bulletin. (This is a monthly processed publication. Each issue contains, in addition to general tax information and court decisions, some special feature.)

CALIFORNIA

Constitution: Constitution of the State of California, the Constitution of the U. S., Magna Charta, Declaration of Independence, the Articles of Confederation . . . comp. by Paul Mason. Sacramento, California State Senate, 1947. 365 p. University of California, Berkeley. Western governmental research association, Workshop in governmental research; proceedings of the seventh annual conference . . . Berkeley, 1947. 32 p. (mim.) \$1.00.

CONNECTICUT

Examiner of administrative reports. Digest of Connecticut administrative reports, 1946-47, to the governor. . . . Hartford, Dept. of Finance and Control, 1947. 486 p. (Pub. doc. no. 97).

ILLINOIS

University of Illinois, Urbana. James lectures on government. Urbana, Univ. of Illinois Press, 1947. 93 p. 75¢.

KENTUCKY

University of Kentucky, Lexington. Bureau of government research. Government of the Netherlands. Amry Vandenbosch and Samuel J. Eldersveld. Lexington, 1947. 150 p. 75¢.

MARYLAND

University of Maryland, College Park. Bureau of public administration. Improving government in Dundalk, by Joseph M. Ray. College Park, 1948. 53 p.
——— Small government career service; a manual for Maryland, by Claire Bracken. College Park, 1948. 56 p.

MICHIGAN

University of Michigan, Ann Arbor. Bureau of government. Public regulation in action; a study of the experience of a Michigan gas company. F. A. Bond. Ann Arbor, 1948. 212 p. (Mich. govt. studies no. 17). \$1.35.

MINNESOTA

Institute of government research. A ten-year analysis of Minnesota state fiscal operations. St. Paul, 1948. 39 p. (State government research bulletin no. 22.)

MISSOURI

St. Louis. City plan commission. Comprehensive city plan. St. Louis, 342 Court House, 1947. 77 p. maps, plans. \$5.00.

NEW JERSEY

Commission on state tax policy. The taxation of New Jersey railroads: third report. Princeton, 1948. 52 p.

Committee on civil liberties. Civil liberties in New Jersey: a report [to the governor.] Trenton, State House Annex, 1948. 24 p.

NEW MEXICO

University of New Mexico, Albuquerque. Dept. of government. Press law handbook, federal and New Mexico controls, by Frederick C. Irion. Albuquerque, 1947. 42 p. \$2.00.

TENNESSEE

Planning commission. Tennessee state government; a report on state finances, 1946-1947. Nashville, 1948. 44 p. (Publication no. 183)

University of Tennessee, Knoxville. Proceedings of the 7th annual Southern institute of local government, Knoxville, 1948. 33 p.

TEXAS

University of Texas, Austin. Bureau of municipal research. Municipal home rule charters in Texas, by Wilfred D. Webb. Austin, 1947. 54 p. (Municipal studies, no. 32). \$1.00.

University of Texas. Bureau of municipal research. The Texas city official; a digest of powers and duties, by Lynn Foster Anerson and Wilfred D. Webb. Austin, c. 1947. 84 p. (Bur. of mun. res. studies, no. 30), \$1.00.

UTAH

University. Institute of government. Utah experience with constitutional home rule. F. B. Paulsen. Salt Lake City, 1946. 16 p. 25¢.

WASHINGTON

University of Washington, Seattle. Bureau of governmental research and services. Problems of the public service. 1. Government and organized labor. 2 Program of assistance for smaller units of government. Proceedings of the section on problems of the public service, 12th annual institute of government, 1947. Seattle, 1948. 70 p. (Report no. 82.)

FOREIGN AND INTERNATIONAL

ARGENTINA

Ministerio del interior. La política internacional de la nación Argentina; absoluta identidad de su tradición y sus principios con los sustentados en el Acta de Chapultepec, la Declaración de México, la Declaración de las Naciones unidas y la Carta del Atlántico. Buenos Aires. por Carlos Alberto Salva. Buenos Aires, Imprenta de la Cámara de diputados, 1946. 991 p.

AUSTRIA

Red-white-red book. Justice for Austria. Descriptions, documents, and proofs to the antecedents and history of the occupation of Austria. First part (from official

sources.) Vienna, Austrian State Printing House, 1947. 232 p. (There is also a German language edition.)

CANADA

Manitoba. Winnipeg. City clerk. Municipal manual, 1948. Winnipeg, 1948. 229 p.

CEYLON

Constitution of Ceylon, Colombo, Government Records Office, 1948. 42 p. 90¢.

CHILE

El reconocimiento de los gobiernos de facto como institución jurídica y su evolución en América. Fernando Latrille Urriola. Santiago de Chile, 1947. 91 p. (University of Chile thesis.)

CUBA

Archivo nacional de Cuba. Política continental Americana de España en Cuba, 1812-1830, por José Juciano Franco. La Habana, 1947. 428. p

DENMARK

Foreign office. Danish foreign office journal: commercial and general review. Number one, January-March, 1948. This is a very handsome periodical, popular and economic in its appeal, but with interests consonant with the title also.

GREAT BRITAIN

British information services, New York. British foreign affairs: debate in the House of Commons; excerpts from the speeches of Mr. Bevin. Mr. Eden, Mr. McNeill, Mr. Churchill, and Mr. Attlee. New York, 30 Rockefeller Plaza, 194 56 p.

——— Landmarks in democracy. Developments in British political history. (Quotations from important British constitutional documents, from the Assize of Clarendon to the Statute of Westminster of 1931.) New York, 1948. 31 p.

Foreign office. Documents on British foreign policy, 1919-1939. E. L. Woodward and Rohan Butler, eds. London: H.M.S.O., 1947. 525 p. (2d ser. v. 2).

Labor and national service ministry. Civil service; a detailed description of qualifications, training, and prospects of employment. Rev. ed. London: H.M.S.O. 1947. 47 p./4.

Local government boundary commission. Report. London: H.M.S.O., 1948. 62 p. 1/2.

Town and country planning ministry. Advisory handbook on the redevelopment of central areas. London: H.M.S.O., 1947. 99 p. 12/6.

Treasury. Working conditions in the civil service: report. London: H.M.S.O., 1947. 164 p. 4/.

GUATEMALA

Ministry for foreign affairs. Britain and her treaties on Belize; Guatemala has the right to reinstate the entire territory of Belize. José Luis Mendoza. Guatemala, 1947. 301 p.

——— Continuation of White Book: controversy between Guatemala and Great Britain . . . question of Belize. José Carlos Vittone and others. Guatemala. 1947. 235 p. map. (2d ser., no. 5.)

NETHERLANDS

Government information service. Some aspects of political and economic life in the Netherlands. The Hague, 1947. 35 p.

PALESTINE

Jewish Agency for Palestine. The Jewish case before the Anglo-American commission of inquiry in Palestine: statements and memoranda. 1947. 686 p. Jewish plan for Palestine: memoranda and statement presented to United Special Committee on Palestine. 1947. 559 p.

POLAND

Foreign affairs ministry. Foreigners in Poland. . . . Warsaw, 1947. 172 p.
Polish main national war crimes investigating office. One legal aspect of the Polish regained territories. Warsaw, 1948. 29 p.

RUSSIA. [U.S.S.R.]

(The Soviet government has published, separately, the Russian text of the Inter-allied treaties with Bulgaria, Finland, Hungary, Italy, and Rumania, 1947.)

UNION OF SOUTH AFRICA

Public service enquiry commission. 6th report. Capetown, 1948. 279 p. 18/.

YUGOSLAVIA

Yugoslav embassy, Washington. Yugoslavia fights illiteracy. Washington, 1948. n.p.

"Yugoslavia," is a monthly periodical, number one issued December, 1947, and distributed in this country by the Yugoslav Embassy in Washington. It is a handsome publication, much of it in color, and contains materials on foreign relations.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Questions and answers about. . . . Washington, 1948. 28 p.

INTERNATIONAL CIVIL AVIATION ORGANIZATION

Second assembly. Legal Commission. Agenda article 3: Review of comments received on the draft convention on the international recognition of rights of aircraft and report thereon. Synthesis of comments . . . 1948. v. p. (mim.)

——— Draft convention on the international recognition of rights in aircraft. 1948. 11 p. (mim.)

PAN AMERICAN UNION

Draft, Declaration of rights and duties of American states, formulated by committee on organization of Inter-American system in accordance with resolution 9 of Inter-American conference on problems of war and peace . . . Washington, 1948. 29 leaves. (processed)

Ninth international conference of American states, its antecedents and juridical relationship between Inter-American system and United Nations, by Manuel S. Canyes. Washington, 19 leaves. (processed)

Project of declaration of international rights and duties of man, formulated by Inter-American juridical committee for consideration by ninth international conference of American states. Washington, 1948. 14 leaves. (processed)

Requirements for entry of United States tourists into Latin American republics. Washington, 1948. 20 leaves. (processed)

Treaties and conventions signed at the fourth international conference of American states, Buenos Aires, July 12-August 30, 1910. Washington, 1948. 59 p. (Law and treaty series No. 22). (In English, French, Spanish, Portuguese.)

UNITED NATIONS

Agreement between the United Nations and the international monetary fund. Lake Success, N. Y. 1948. 12 pages. (Text in French and English.)

Agreement between the United Nations and the international bank for reconstruction and development. Lake Success, N. Y., 1948. 13 p. (Text in French and English.)

General agreement on tariffs and trade: Protocols and declaration signed at Havana, on 24 March, 1948. Lake Success, N. Y., 1948. v. p. (processed)

Dept. of economic affairs. International cartels. A League of Nations memorandum. Lake Success, N. Y., 1947. 53 p. chart.

——— Customs unions. A League of Nations contribution to the study of customs union problems. Lake Success, N. Y., 1947. 97 p.

Dept. of public information. Research section. Economic commission for Latin America. Lake Success, N. Y., 1948. 15 p. (mim.)

——— Migration, Lake Success, N. Y., 1948. 29 p. (mim.)

Economic and social council. Commission on human rights. Third session. International law association, Brussels conference, 1948: Human rights, the Charter of the United Nations and the international bill of the rights of man. Preliminary report, by Professor H. Lauterpacht. Lake Success, N. Y., 1948. 63 p. (mim.)

——— Collation of the comments of governments on the draft international declaration on human rights, draft international covenant on human rights, and the question of implementation. (Note by the secretary-general.) Lake Success, N. Y., 1948. 103 p. (mim.)

——— Synopsis of the texts of the draft declaration on human rights . . . as contained in the report of the second session of the drafting committee. Lake Success, N. Y., 1948. 33 p. (mim.)

——— *Interim committee of the General Assembly.* History and analysis of the general convention for improving the means of preventing war and the regulations for the execution of Article 4 of this convention. Lake Success, N. Y., 1948. 8 p. (mim.)

——— *Commission on narcotic drugs.* Report . . . on the draft protocol to bring under control certain drugs not covered by the 1931 convention. Lake Success, N. Y., 1948, 23 p. *Third session:* Draft protocol [of above]. 14 p. (mim.)

——— *Third session:* First annual summary of laws and regulations. Lake Success, N. Y., 1948. 28 p. (mim.)

——— *Ad hoc committee on genocide:* Draft convention on prevention and punishment of the crime of genocide. . . . Lake Success, N. Y., 1948. 5 p.

——— *Ad hoc committee on genocide:* Report of the committee and draft convention drawn up by the committee. Lake Success, N. Y., 1948. 59 p. (mim.)

——— Final act of the United Nations conference on freedom of information. Lake Success, N. Y., 1948. 52 p. (mim.)

Economic and social council. Report. . . . on the allocation of functions among the various organs concerned in the field of migration. Lake Success, N. Y., 1948. 111 p.

——— *Transport and communications commission. 2d Session, Geneva, April, 1948.*

Relations between the practices of member-governments and the recommendations of the meeting of experts to prepare for a world conference on passports and frontier formalities. Part I. Comparative analysis. Part II. Replies of governments to the secretary-general's enquiry. Lake Success, N. Y., 1948. 112 p.

——— *United Nations conference on freedom of information*. . . . Draft resolution presented by the United Kingdom on the adoption of an international convention on freedom of information. Lake Success, N. Y., 1948. 13 p. (mim.). Possible modes of action by means of which the recommendations of the Conference can best be put into action. 25 p. (mim.). Report of Committee IV on law and continuing machinery. 66 p. (mim.). Final act. 52 p. (mim.)

General assembly. Interim committee. Analysis of provisions in pacific settlement treaties calling for action by organs of the League of Nations or the permanent court of international justice and of United Nations documents relating to the assumption by United Nations organs of functions of the League of Nations and of the permanent court of international justice. Lake Success, N. Y., 1948. 16 p. (mim.)

——— *Second special session. First committee*. Draft trusteeship agreement for Palestine; working paper circulated by the United States delegation. Lake Success, N. Y., 1948. 20 p. (mim.)

Security council. Committee on good offices on the Indonesian question. Report . . . on political developments in Madura. Lake Success, N. Y., 1948. 20 p. (mim.) Second interim report . . . 37 p. (mim.)

——— Letter dated 3 May, 1948, from the Arab higher committee for Palestine addressed to the secretary-general transmitting a memorandum of Zionist terrorism. Lake Success, N. Y., 1948. (Submitting the black paper on the Jewish agency and Zionist terrorism. New York. Empire State Bldg., 1948. 18 p.)

UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION

The story of U.N.R.R.A. New York, 1948. 47 p.

OFFICERS OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION

President

Henry R. Spencer
Ohio State University

Vice-Presidents

ESTES KEFAUVER
U.S. House of
Representatives

HANS KELSEN
University of California

ROSCOE C. MARTIN
University of Alabama

Secretary-Treasurer

HARVEY WALKER
Ohio State University

Managing Editor

FREDERIC A. OGG
University of Wisconsin

EXECUTIVE COUNCIL

Above-named officers *ex officio*s

RALPH J. BUNCHE
Howard University
ROBERT H. CONNERY
Stanford University
CHARLES MCKINLEY
Reed College
C. PERRY PATTERSON
University of Texas
HAROLD S. QUIGLEY
University of Minnesota
TAYLOR COLE
Duke University
GEORGE A. GRAHAM
Princeton University

LLEWELLYN PFANKUCHEN
University of Wisconsin
JOHN A. VIEG
Pomona College
BELLE ZELLER
Brooklyn College
HAROLD F. ALDERFER
Pennsylvania State College
BEN M. CHERRINGTON
University of Denver
MERLE FAINSOD
Harvard University
JOSEPH M. RAY
University of Maryland

JASPER B. SHANNON
University of Kentucky

FORMER PRESIDENTS

FRANK J. GOODNOW
ALBERT SHAW
FREDERIC N. JUDSON
JAMES BRYCE
A. LAWRENCE LOWELL
WOODROW WILSON
SIMEON E. BALDWIN
ALBERT BUSHNELL HART
W. W. WILLOUGHBY
JOHN BASSETT MOORE
ERNST FREUND
JESSE MACY
MUNRO SMITH
HENRY JONES FORD

PAUL S. REINSCH
LEO S. ROWE
WILLIAM A. DUNNING
HARRY A. GARFIELD
JAMES W. GARNER
CHARLES E. MERRIAM
CHARLES A. BEARD
WILLIAM B. MUNRO
JESSE S. REEVES
JOHN A. FAIRLIE
BENJAMIN F. SHAMBAUGH
EDWARD S. CORWIN
WILLIAM F. WILLOUGHBY
ISIDOR LOEB

WALTER J. SHEPARD
FRANCIS W. COKER
ARTHUR N. HOLCOMBE
THOMAS REED POWELL
CLARENCE A. DYKSTRA
CHARLES GROVE HAINES
ROBERT C. BROOKS
FREDERIC A. OGG
WILLIAM ANDERSON
ROBERT E. CUSHMAN
LEONARD D. WHITE
JOHN M. GAUS
WALTER F. DODD
ARTHUR W. MACMAHON.

Copies of back issues of the **AMERICAN POLITICAL SCIENCE REVIEW** can be obtained at the following prices: Vol. I-X (1906-1916), \$1.50 per copy, except Feb., May, Aug., Nov. 1907, May 1908, Aug. 1910 and Nov. 1911, which are \$3.00 each. Vols. XI-XXV (1917-1931), \$1.25 per copy, except Feb., Aug. 1917, Nov. 1924, Feb., May, Aug. and Nov. 1925, Feb. 1926, Feb., May and Nov. 1927, Nov. 1928, May, Aug. 1929, May, Nov. 1930, Feb. and Nov. 1931, \$1.50 each; Feb. 1928 and Nov. 1929, \$3.00 each. Vols. XXVI (1932) and following \$1.00 per copy, except Feb. and Apr. 1932, Feb., June, Aug., Oct., Dec. 1934, all issues 1935, 1936, and 1937, Feb., June, Aug. and Dec. 1938, Feb., Apr., June, Aug., Oct. 1939, Apr., Oct., Dec. 1940, Aug. and Dec. 1943, \$1.50 each; Feb. 1940, Feb. 1941, Oct. 1943, Feb., Apr., June 1944, Oct. 1945, Feb., Aug. and Oct. 1946, \$3.00 each. General Index, Vol. I-XX, \$1.00. Complete Volumes XII-XXI, \$5.00 per vol.; prices for other complete volumes furnished on request. Postage extra. Prices are subject to change. Some early issues are no longer available. Address: Harvey Walker, Secretary-Treasurer, American Political Science Association, 100 University Hall, Ohio State University, Columbus, Ohio.

WANTED

Back Issues of the Review

Only copies in good condition will be accepted.

Five dollars will be paid for the November 1906 issue, Vol. I, No. 1.

Fifty cents will be paid for each copy of the following issues: Feb., May, Aug. and Nov. 1907; Feb., May and Nov. 1908; Feb., May, Aug. and Nov. 1909; Aug. 1910; Nov. 1911; Nov. 1931; Feb. 1940; Feb. 1941; Feb., Oct. and Dec. 1943; Feb., Apr. and June 1944; Oct. 1945; Feb., Aug. and Oct. 1946; Feb., 1948.

Twenty-five cents will be paid for the following issues: Feb. 1917; Feb., May and Nov. 1927; Feb. 1928; May, Aug. and Nov. 1929; Feb. and Dec. 1934; Dec. 1935; Feb., Apr., June, Aug., Oct. and Dec. 1936; Feb. and Oct. 1937; June 1938.

HARVEY WALKER, Secretary-Treasurer
100 University Hall, Ohio State University
Columbus, Ohio

The Federalists

A Study in Administrative History, by LEONARD D. WHITE, Professor of Public Administration, University of Chicago. An unusual history of the beginnings of administrative government under our Federalist founders—Washington, Hamilton, Timothy Pickering, etc. How they met day-to-day problems and permanent problems of management and congressional relations. \$6.00

Thomas Jefferson

American Humanist, by KARL LEHMANN, Professor of Fine Arts, New York University. Shows Jefferson's amazing knowledge of great minds of the ancient world, and skillful adaptation of his knowledge to building American democracy and culture. "*A delightful volume, charmingly written, which should appeal to anyone interested in the philosopher of American democracy.*"—Claude G. Bower, *The Annals*. \$4.50

John Hancock

By HERBERT S. ALLAN. This biography fully reveals a much-neglected and maligned figure in American history. Combines a narrative of Hancock's life with a dexterous delineation of the social and political scene in Revolutionary Massachusetts, in the colonies generally, and in England. \$6.00

The Federalist

By Alexander Hamilton, James Madison and John Jay. Edited by MAX BELOFF. (Fourth volume in the series of Blackwell's Political Texts.) Contents: *Introduction, Bibliography. Contents of "The Federalist." "The Federalist." Appendix 1. The Articles of Confederation. 2. The Annapolis Convention. 3. The Constitution. 4. Amendments to the Constitution: The Bill of Rights. Notes.* 555 pages. \$2.25

The Disruption of American Democracy

By ROY FRANKLIN NICHOLS, Professor of History, University of Pennsylvania. A history of the crisis in the Democratic party that led up to the Civil War. "*A masterful job, a realistic description of men, issues, negotiations and events, which constitutes a fundamental contribution to American history.*"—Charles A. Beard. \$7.50

For further information about these books, consult your bookstore, or write

THE MACMILLAN COMPANY, 60 Fifth Ave., New York

Democracy and Progress

By DAVID McCORD WRIGHT, Professor of Economics, and Lecturer in Law at the University of Virginia. This penetrating book explores the essential ideas which must be understood if our democracy is to be saved—the problems which philosophers, economists and political leaders have to ponder. \$3.50

The More Perfect Union

A Program for the Control of Inter-Group Discrimination in the United States, by R. M. MacIVER, Lieber Professor of Political Philosophy and Sociology, Columbia University. This book by the distinguished author of *The Web of Government* is a handbook of strategy for combating racial discrimination. Underneath its calm, a dynamic book. \$4.00

The Man in the Street

THOMAS A. BAILEY, a Professor of History at Stanford University, and noted for his studies of Woodrow Wilson and the peacemaking, analyses the effect of public opinion on our foreign policy. His study is based on all the published opinion polls—Gallup, Fortune, Roper, NORC, and it is as entertaining as it is valuable. \$5.00

The New Foundation of International Law

By JORGE AMERICANO, Professor of Law, University of Sao Paulo, Brazil. A prospectus for world organization based on the principles of the Atlantic Charter. "*Directs the reader's attention to the very fundamental objectives and purposes that should underlie any system of international law.*"—Michigan Law Review. \$2.50

A Modern Law of Nations

An Introduction, by PHILIP C. JESSUP, Hamilton Fish Professor of International Law and Diplomacy at Columbia University. This book seeks to formulate a new law of nations which will protect the rights of individuals as well as those of larger institutions and nations. \$4.00

Personality in Politics

SIR ARTHUR SALTER, believing that personality influences the course of history, writes entertaining and revealing sketches of Franklin D. Roosevelt, Churchill, Wilson, Clemenceau, Chiang Kai-shek, Briand, T. V. Soong, Maynard Keynes, H. G. Wells, Dwight Morrow, Harry Hopkins, etc.—all of whom he has known. \$3.50

For further information about these books, consult your bookstore, or write

For one-semester courses in
American Government

ZINK:

Survey of American Government

One of the first books on the university level to include extensive visual aid material, this new text contains many diagrams, charts, maps, and drawings which effectively point up the various aspects of American government. Including many illustrations of personalities and programs, this text offers a clear presentation of government in the United States as it operates and exists today. *To be published this summer. \$4.75 (probable)*

HAROLD ZINK is Professor of Political Science, Ohio State University

A new revised edition of
MAXEY:

Political Philosophies

The second edition of this text which traces the course of major political ideas and doctrines throughout all periods of history and appraises their influence has been brought completely up to date. Many chapters have been rewritten in order to present recent and contemporary political thought more freshly and effectively. *To be published in September. \$4.50 (probable)*

CHESTER C. MAXEY is Dean of Social Sciences, and
Professor of Political Science, Whitman College.

A new revised edition of
WHITE:

**Introduction to the Study of
Public Administration**

The new third edition of this well-known text contains a completely new section on the dynamics of management, dealing with leadership, planning, coordination, public relations, and organization and methods work. The first two chapters have been entirely re-written, and a considerable amount of new material has been introduced in other chapters. *To be published in October. \$5.00 (probable)*

LEONARD D. WHITE is Professor of Public Administration, Political Science Department, University of Chicago.

THE MACMILLAN COMPANY

60 Fifth Avenue, New York

"An excellent treatment."—*C. H. Pritchett, University of Chicago*

ELEMENTS OF PUBLIC ADMINISTRATION

By *F. MORSTEIN MARX and collaborators*

The principal aim of this authoritative and practical analysis is to deepen the reader's understanding of the modern administrative process as an integral phase of contemporary civilization. It explores the range of controlling institutional factors and the variables of administrative behaviour.

—Adoptions: Columbia, Stanford, Princeton, Syracuse, Georgetown, Harvard, and Rutgers Universities . . . University of California (Berkeley and Los Angeles), Ohio State University, New York University, Chicago University, Universities of Pittsburgh, Illinois, North Carolina, Iowa, Delaware, Michigan, Minnesota, Indiana, Texas, Virginia, Colorado, Wisconsin . . . Dartmouth, Vassar, Wellesley . . . Virginia Polytechnic Institute and many others.

Published 1946

637 pages

6" x 9"

AMERICAN GOVERNMENT

By *W. Reed West, George Washington University*

A well-organized picture of our governmental organization, powers, and activities—with emphasis on constitutional aspects. Federal and state government organizations are treated separately; their activities receive joint attention, since they often merge. This method avoids repetition and cross-references and promotes better understanding.

Published 1938

816 pages

8" x 9"

PUBLIC OPINION IN A DEMOCRACY

By *Charles W. Smith, Department of State*

Electioneering tactics, pressure groups, censorship, newspapers, radio—these are just a few of the vital subjects treated in this outstanding work. Both readable and scholarly, it supplies an ideal basic text for your courses in Political Science, Sociology, Journalism or Public Opinion.

Published 1939

598 pages

6" x 9"

CENTRAL-EASTERN EUROPE: Crucible of World Wars

By *Joseph S. Roucek, Hofstra College, and Associates*

An account of all significant aspects of the entire region east of Germany—stressing the important trends between World Wars I and II.

• "Indispensable . . . to an understanding of a region rightly described as 'Crucible of World Wars.'"—*Emil Lengyel*

Published 1946

784 pages

6" x 9"

Send for your copies today

PRENTICE-HALL, INC., 70 FIFTH AVENUE
NEW YORK 11, N. Y.



READY NOW

Politics Among Nations

The Struggle for Power and Peace

By HANS J. MORGENTHAU

University of Chicago

This readable new textbook is a systematic study of international relations as they exist today. Dr. Morgenthau draws upon both historical and contemporary events to illustrate the struggle of sovereign nations for power and peace. Yet he does not neglect to analyze while he describes, nor to provide a comprehensive survey of existing political relations between nations. He discusses the true nature of these relations and how they interact to form foreign policies, relating them to America's role in world affairs.

The author's theme is the problem of achieving world peace. He feels that if nations are to act together in concert, there must be a change in modern world politics, whether it be revolutionary or evolutionary.

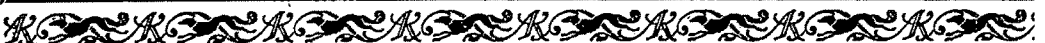
Everything that has been conventionally taught in courses on international politics is treated in this book. In addition, there are lengthy sections on the role of international law and the significance of international organization. The appendix contains the complete Charter of the United Nations. This well-organized text provides a definitive study of international politics, not only as they should be, but as they are.

528 pages; \$4.25 text

EXAMINATION COPIES UPON REQUEST

**College Department
ALFRED A. KNOFF**

**501 Madison Avenue
NEW YORK 22**



How to Predict Elections

By LOUIS BEAN

Economic Advisor to the Secretary of Agriculture

This text will be useful to teachers and students not only as a political divining rod but as a sharp and appropriate commentary on our electoral system. It is indispensable for classes in parties, elections, public opinion, and political behavior. Mr. Bean, however, makes no flat predictions but provides the statistical basis for any reader to come to his own conclusions concerning ballot behavior.

192 pages; 26 charts; \$1.90 text

Politics in the Empire State

By WARREN MOSCOW

CONTENTS

- | | |
|-------------------------|------------------------------|
| 1. In the Nation | 8. The Machines |
| 2. The Vote-Getters | 9. Coke and Blackstone |
| 3. The Voters | 10. The Lawmakers |
| 4. What Makes a Party | 11. The Man in the Mansion |
| 5. The Elephant | 12. Atmospheric Pressure |
| 6. The Donkey | 13. The Cities and the State |
| 7. The Splinter Parties | 14. Who's Going to Win? |

Appendix: A Calendar of Key Elections in New York State, 1918-46

238 pages; \$2.25 text

Plunkitt of Tammany Hall

By WILLIAM L. RIORDON

Introduction by Roy V. Peel, Indiana University

This famous and unique classic shows just what makes a political machine and the men who run it. It is a report straight from the mouth of George Washington Plunkitt, one of the Sachems of Tammany Hall around the turn of the century when city administration was synonymous with boss rule. Professor Peel's Introduction puts Plunkitt in the perspective of municipal politics today and yesterday.

xlix + 132 pages; \$1.75 text

EXAMINATION COPIES ON REQUEST

College Department
ALFRED A. KNOPF

501 Madison Avenue
NEW YORK 22



AGAIN IN STOCK!

Edited by

GEORGES GURVITCH

Lecturer in Sociology, Harvard University

and

WILBERT E. MOORE

*Office of Population Research,
Princeton University*

20th CENTURY SOCIOLOGY

754 Pages

\$6.00

MAJOR developments in modern sociological science, as presented by a group of outstanding sociologists, with polemics kept to a minimum and constructive evaluation maintained throughout.

This volume is especially valuable for its well-balanced, considered presentation of the various fields of sociological inquiry. Each of the 29 contributors (1) sets forth the major trends in the field surveyed, (2) critically discusses these trends, and (3) summarizes the present position of the field with particular emphasis on problems requiring further research.

An analysis of the contents listed below indicates the scope and authority of this comprehensive work.

PART ONE

SOCIOLOGY AND THE SOCIAL SCIENCES

HUNTINGTON CAIRNS (Washington, D.C.)

RESEARCH METHODS IN SOCIOLOGY

ERNEST W. BURGESS (U. of Chicago)

PRESENT POSITION AND PROSPECTS OF SYSTEMATIC THEORY

TALCOTT PARSONS (Harvard)

INTERPRETIVE SOCIOLOGY AND CONSTRUCTIVE TYPOLOGY

HOWARD BECKER (U. of Wisconsin)

SOCIOCULTURAL DYNAMICS AND EVOLUTION

PITIRIM A. SOROKIN (Harvard)

SOCIAL CAUSATION AND CHANGE

ROBERT MORRISON MACIVER (Columbia)

SOCIOLOGY OF GROUPS

LOGAN WILSON (Tulane)

SOCIAL ORGANIZATION, INSTITUTIONS

FLORIAN ZNANIECKI (U. of Illinois)

SOCIAL PSYCHOLOGY

JAMES W. WOODARD (Temple)

SOCIAL CONTROL

GEORGES GURVITCH (Harvard)

SOCIOLOGY OF LAW

ROSCOE POUND (Harvard)

CRIMINOLOGY

JEROME HALL (Indiana)

SOCIOLOGY OF KNOWLEDGE

ROBERT K. MERTON (Columbia)

SOCIOLOGY OF RELIGION

JOACHIM WACH (Brown)

SOCIOLOGY OF ECONOMIC ORGANIZATION

WILBERT E. MOORE (Princeton)

HUMAN ECOLOGY

EMMA LLEWELLYN (Sarah Lawrence)
and AUDREY HAWTHORN

PART TWO

FRENCH SOCIOLOGY

CLAUDE LEVI-STRAUSS (Ecole Libre des
Hautes Etudes, New York)

AMERICAN SOCIOLOGY

ROBERT E. L. FARIS (U. of Syracuse)

BRITISH SOCIOLOGY

JAY RUMNEY (U. of Newark)

RUSSIAN SOCIOLOGY

MAX M. LASERSON (Columbia)

GERMAN SOCIOLOGY

ALBERT SALOMON (New School)

LATIN AMERICAN SOCIOLOGY

ROGER BASTIDE (U. of São Paulo, Brazil)

ITALIAN SOCIOLOGY

CONSTANTINO PANUNZIO (U. of Calif.)

SPANISH SOCIOLOGY

ALFREDO MENDIZABAL (New School)

POLISH SOCIOLOGY

EILEEN MARKLEY ZNANIECKI

CZECHOSLOVAKIAN SOCIOLOGY

JOSEPH S. ROUCEK (Hofstra)

RUMANIAN SOCIOLOGY

A. MANOIL

SOCIOLOGY IN YUGOSLAVIA

JOSEPH S. ROUCEK (Hofstra)

USED AS TEXT IN MOST LEADING UNIVERSITIES AND COLLEGES

PHILOSOPHICAL LIBRARY, Publishers • Dept. 288, 15-E. 40th St., New York 16,

McGraw-Hill Books of Timely Interest

INTERNATIONAL POLITICS, New fourth edition

By FREDERICK L. SCHUMAN, Williams College. 992 pages, \$5.50.

Here is a new edition of this widely-used and highly successful text. Not only has the author brought up to 1948 the narrative portions and reading lists, but has also rewritten many parts of the book in readable and stimulating style and has included a wealth of new maps depicting graphically the evolution of the Western State System and the postwar world scene. The revision is notable for a series of challenging interpretations, conclusions, and forecasts which will stimulate critical and constructive thinking among teachers and students alike amid the confusions and perplexities of the continuing world crisis.

THE AMERICAN SYSTEM OF GOVERNMENT

By JOHN H. FERGUSON, The Pennsylvania State College, and DEAN E. MCHENRY, University of California, Los Angeles. *McGraw-Hill Series in Political Science*. 972 pages, \$4.50.

Covers the essential features of the American system of government, discussing the principles of political science, historical evolution of American institutions, fundamentals of government in the United States, national government (including Congress, President, Courts, and federal powers), governmental functions, and state and local government. The book offers timely treatments of foreign relations and the United Nations; compulsory military training, pressure groups in American government, control of atomic energy, etc. The wealth of pictorial aids is a feature of the book.

THE AMERICAN FEDERAL GOVERNMENT

By JOHN H. FERGUSON and DEAN E. MCHENRY. *McGraw-Hill Series in Political Science*. 818 pages, \$4.00.

Represents the first part of *The American System of Government*, dealing with the federal government.

Send for copies on approval

McGRAW-HILL BOOK COMPANY, INC.

330 West 42nd Street

New York 18, N.Y.

Princeton

UNIVERSITY PRESS

The Coming of the French Revolution

By *GEORGES LeFEBVRE*, Professor Emeritus of the History of the French Revolution. University of Paris. "Assembles the ripe judgements of the leading living authority on what is often termed the most important event in modern times."—*N.Y. Times*. "Reveals not only the factors involved in the coming of the French Revolution, but opens our minds to a better appreciation of its implications and consequences."—Hans Kohn in the *Review of Politics*.

\$3.00

Seizure of Territory

By *ROBERT LANGER*. A history of the much-debated policy of not recognizing territorial changes effected by force—the Stimson doctrine. Pioneering in a little-known field, the author shows to what extent this doctrine has become a part of international law, and how it may be used to prevent wars.

\$3.50



At your

bookstore

PRINCETON

UNIVERSITY

PRESS

Princeton, N.J.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

★

★

★ *Graves* ★

★

★ **AMERICAN** ★

★ **STATE GOVERNMENT** ★

★

★ **THIRD EDITION** ★

★ This authoritative text gives full recognition to recent changes in state ★
★ government, to the problems which the states face today, and to the ★
★ plans for social and economic development. This latest edition (1946) ★
★ includes two new chapters: *State Administrative Services*, and *The* ★
★ *States in the War and the Postwar*. 1104 p. \$6.00 ★

★

★

★

★ *MacCorkle* ★

★

★ **AMERICAN** ★

★ **MUNICIPAL GOVERNMENT** ★

★ **AND ADMINISTRATION** ★

★ This complete and well-organized text provides a balanced treatment ★
★ of governmental and administrative problems. Special emphasis is ★
★ placed on constructive citizenship. Organized for use either in a course ★
★ in municipal government and administration or in separate courses ★
★ in either subject. 639 p. \$4.25 ★

★

★

★ **D. C. HEATH AND COMPANY** ★

★ Boston New York Chicago Atlanta San Francisco Dallas London ★

★

READY FOR FALL USE

PRINCIPLES AND FUNCTIONS OF GOVERNMENT IN THE UNITED STATES

Assembled and Edited by

Professor W. Leon Godshall, Lehigh University

This new text offers a realistic, adequate, but not over-expansive, treatment of the subject of Government in the United States. It is the first book of a new series to be known as the Van Nostrand Political Science Series to be under the general editorship of Prof. Franklin L. Burdette of the University of Maryland.

CONTENTS:

Part I. Foundations: The Study of Government . . . E. B. Schulz, Lehigh University; The Theory of the State . . . E. B. Schulz; Distinctive Government Systems . . . E. B. Schulz; The Beginnings of Government in the United States . . . L. H. Gipson and G. D. Harmon of Lehigh University.

Part II. Fundamental Principles: A Written Constitution . . . G. D. Harmon, Lehigh University; Territorial Distribution of Powers in a Federal System . . . L. W. Lancaster, University of Nebraska; An Independent Judiciary and Judicial Review . . . W. L. Godshall, Lehigh University; Limited Powers of Government . . . W. L. Godshall; Representative Government: Congress . . . L. W. Lancaster; Representative Government: The Improvement of Congress . . . L. W. Lancaster; Separation of Powers and the Presidency . . . L. W. Lancaster.

Part III. Instruments of Political Power: Immigration and Citizenship . . . H. F. Alderfer, Pennsylvania State College; National Suffrage and Elections . . . H. F. Alderfer; The National Party System . . . H. F. Alderfer; Pressure Groups . . . H. F. Alderfer.

Part IV. The National Administration: Public Administration . . . W. H. Edwards, Brockport State Teachers College; The Federal Civil Service . . . W. L. Godshall.

Part V. National Functions: Foreign Policy and Control . . . W. L. Godshall; National Defense . . . W. L. Godshall; Territories: The District of Columbia; The American Indian . . . W. L. Godshall; Raising National Revenue . . . J. H. Leek, University of Oklahoma; National Expenditures and the Federal Debt

. . . Eugene H. Miller, Ursinus College; National Currency . . . J. H. Leek; Foreign and Interstate Commerce . . . J. H. Leek; National Regulation of Business and Industry . . . J. H. Leek; National Regulation of Labor . . . J. H. Leek; National Aid to Agriculture . . . J. B. Bennett, United States Department of Interior; National Conservation . . . J. B. Bennett; Range and Variety of Federal Services . . . J. E. Stoner, Indiana University; Recent Trends in the National Government . . . L. W. Lancaster.

Part VI. The States in the Nation: The Position of the States in the Union . . . L. W. Lancaster; State Political Parties and Elections . . . H. F. Alderfer.

Part VII. State Government: Evolution of State Constitutions . . . D. W. Knepper, University of Houston; The State Legislature . . . D. W. Knepper; The Governor . . . D. W. Knepper; State Administration and Civil Service . . . W. H. Edwards; The State Judicial System . . . W. L. Godshall; State Finance . . . P. S. Sikes, Indiana University; The State Police Power . . . J. H. Leek; State Regulation of Business and Industry . . . W. B. Graves, Library of Congress; Economic and Social Functions of the States . . . W. B. Graves.

Part VIII. Local Government: Counties, Townships and Special Districts . . . E. B. Schulz; The Relations Between Local, State, and Federal Government . . . E. B. Schulz.

Part IX. Conclusion: The American Philosophy of Government . . . E. P. Chase, Lafayette College.

Approximately 1000 pp. Cloth Illustrated
Probable Price \$5.00

Write for an examination copy

D. VAN NOSTRAND COMPANY, INC.
250 FOURTH AVENUE, NEW YORK 3, N.Y.

1848

PUBLISHERS FOR ONE HUNDRED YEARS

1948

Do you have these titles on your library shelf?

For class teaching, supplementary reading, or personal use, these Rinehart texts in Political Science are outstanding in their fields . . . comprehensive, definitive, and responsible.

UNITED NATIONS PRIMER (Revised and enlarged, 1948)

by Sigrid Arne

Up-to-date handbook on the U.N., containing complete San Francisco charter and official texts from 15 international conferences. 288 pp., \$1.85

AMERICAN FOREIGN POLICY (1948)

by Lawrence H. Chamberlain and Richard C. Snyder

Documentary material plus original essays equals top notch outline for introductory courses in United States foreign policy. 826 pp., \$5.00

AMERICAN GOVERNMENT IN ACTION (1946)

by Marshall and Gladys Dimock

Functional approach to government and politics, with balanced emphasis upon all branches of government. Illustrated. 946 pp., \$4.50

READINGS IN AMERICAN NATIONAL GOVERNMENT (1947)

by David Fellman

Excellent supplementary source book, rich in selections from Supreme Court decisions, government reports, statutes. 300 pp., \$2.00

CONTEMPORARY INTERNATIONAL POLITICS (1940, 1943)

by Walter Sharp and Grayson Kirk

Thoroughgoing analysis of world politics, as related to geographic, economic, and national pressures. Supplementary pamphlet. 876 pp., \$4.50

Desk copies available on request

RINEHART & COMPANY, Inc.

NEW YORK 16

A Checklist of Recent and Standard Political Science Texts

- ☐ **GOVERNMENT IN THE UNITED STATES**
By Claudius O. Johnson. Fourth Edition, 1947, 976 pages. 26 charts. \$4.50
A stimulating and inspiring analysis of our federal, state, and local governments, organized to emphasize the function of each.
- ☐ **AMERICAN NATIONAL GOVERNMENT**
By Claudius O. Johnson. Second Edition, 1947, 690 pages. 17 charts. \$3.75
A somewhat briefer edition of the above, designed primarily for those whose course covers only the national phases of our government.
- ☐ **AMERICAN STATE GOVERNMENT AND ADMINISTRATION**
By Austin F. Macdonald. Third Edition, 1945, 655 pages. \$4.00
A well balanced treatment of the subject, tracing their new rôle in our developing federal system.
- ☐ **AMERICAN CITY GOVERNMENT AND ADMINISTRATION**
By Austin F. Macdonald. Fourth Edition, 1946, 657 pages. \$4.00
The standard text in the field since 1929, now thoroughly revised and completely reset.
- ☐ **POLITICS, PARTIES, AND PRESSURE GROUPS**
By V. O. Key, Jr. Second Edition, 1947, 767 pages. 27 charts. \$4.25
A complete revision of the outstanding text on political parties. Features a liberal use of charts, graphs and other features.
- ☐ **INTRODUCTION TO POLITICS**
By Roy V. Peel, Joseph S. Roucek and Associates. 1941. 585 pages. \$4.75
A penetrating survey of the field of political science, emphasizing functional, rather than legalistic, and descriptive aspects.
- ☐ **MODERN WORLD POLITICS**
By Thorsten V. Kalijarvi and Associates. Second Edition, 1945, 852 pages. 34 maps. \$4.25
An excellent text on international relations stressing a realistic approach to the world political scene and power politics.
- ☐ **CONGRESS AT THE CROSSROADS**
By George B. Galloway. 1946, 388 pages. \$2.65
An outstanding basic text for courses in legislation which is also widely used as a supplementary reader for courses on American government.
- ☐ **WORLD POLITICAL GEOGRAPHY**
By G. Etzel Pearcy, Russell H. Fifield and Associates. Fall 1948, 650 pages (approx.) 137 maps. \$4.75
A sincere attempt on the part of some thirty carefully selected authorities to provide a suitable college text for the rapidly increasing number of courses in this important subject.

THOMAS Y. CROWELL COMPANY
432 Fourth Avenue New York 16

The American Political Science Review

VOL. XLII

OCTOBER, 1948

NO. 5

REFLECTIONS ON AGRICULTURAL POLICY FORMATION IN THE UNITED STATES

CHARLES M. HARDIN

University of Chicago

I. THE IMMEDIATE SETTING

Major redefinition of agricultural policy in the United States appears imminent. Appropriate committees in both houses of Congress held exhaustive hearings during 1947 on both the content of agricultural policy (revision of parity, manner of price supports, regulation of marketing, and production control) and the manner of organization of agricultural administration. In its last hours, the Eightieth Congress revised parity and price supports, postponing the effective date to January 1, 1950. But, significantly, Congress could not agree on a reorganization of agricultural administration. There was no lack of proposals. Major farm organizations and the Department of Agriculture presented recommendations, and sweeping measures were introduced by Senator Aiken (and others) and Congressman Hope. But the Hope and Aiken bills were diametrically opposed in a manner reflecting basic divergencies among powerful interests. In part, of course, the failure of the Eightieth Congress to reorganize the administrative framework appears to mark the strategic success of Congressman Hope's efforts to insure the next secretary of agriculture some freedom in the matter. But the failure certainly underlines the controversial nature of the subject; indeed, the manner of administration in agriculture is hardly less controversial than the content of agricultural policy.¹

II. THE DEBATE FAILS TO PROBE CERTAIN CRUCIAL ISSUES

Not only are issues respecting administrative organization in agriculture controversial, but the controversy is presented in dis-

¹ For more elaboration, see Nov., 1948, issue of *Journal of Farm Economics*.

torted and inadequate terms. It is well known that agriculture is highly organized.² Nearly all recommendations respecting agricultural policy are made by institutional spokesmen—that is, by persons representative of particular associations in the sense that these persons are the caretakers, expositors, and sometimes even the personification³ of associational codes.⁴ No doubt, association with, say, the Soil Conservation Service, the Forest Service, the Farm Bureau, or a land-grant college greatly helps an individual to relate his activities in a meaningful way to the larger society. At any rate, associations constitute a large part of the phenomena of social life and force consideration of themselves as well in matters of public policy formation as in its execution. The farm organizations, the land-grant colleges, the USDA and various agencies within it—all make their recommendations very strongly respecting administrative policy; and this is true whether Congress holds hearings in Washington or attempts directly to tap “grass roots” sentiment.⁵

The recommendations of interested parties do less than justice to the issues. For example, one of the chief bones of contention is the SCS program. Should the federal government operate an intensive program of farm planning to improve soil and moisture conservation direct with farmers, organized in soil conservation districts? Land-grant college representatives and the AFBF generally argue that the chief problem of “federal-state relations” in agriculture would disappear if the SCS regional offices were abolished and the program assigned at the state level to agricultural extension services where it would become another project. In this representation, the issue is often posed as “duplication and overlapping;” yet largely overlooked is the question whether erosion is not a symptom of basic maladjustments in farm sizes, of fundamental inadequacies in tenure arrangements, and in significant failure of credit

² Reference is to the National Farmers Union, the Grange, the American Farm Bureau Federation (AFBF), the land-grant colleges, the Department of Agriculture (USDA), the Soil Conservation Service (SCS), the Production and Marketing Administration (PMA), which embraces the old Agricultural Adjustment Administration (AAA), etc.

³ Cf. R. Smend on personal integration in *Verfassung und Verfassungslehre*, but also H. Kelsen, *Der Staat als Integration*.

⁴ See Chester Barnard, *The Functions of the Executive*, which, with T. Parsons, *Structure of Social Action*, Herbert Simon, *Administrative Behavior*, and W. Y. Elliott, *The Pragmatic Revolt in Politics*, have considerably influenced the thought in this paper.

⁵ E.g., *Hearings before the House Committee on Agriculture, Long Range Agricultural Policy, 1947*.

agencies to provide credit for farm enlargement and improvement, integrated with farm readjustment planning.⁶ SCS and its friends counter with proposals which, in their most significant recent form, would not only considerably extend and expand the SCS program itself but also would erect soil and water conservation into the paramount end of agricultural policy.⁷ But agricultural policy has other ends, such as the stabilization of incomes, rural rehabilitation (or, more significantly, the improvement of farm family living), and shifts in production according to nutritional needs.

Thus the argument is distorted in the effort to force the issues to conform with the aspirations of particular groups and organizations. Likewise, the argument is grievously inadequate because the possibility of *political decentralization* or devolution is overlooked. G. C. S. Benson reminds us of the difference between administrative and political decentralization, the former being a question of management policy.⁸ Paul Appleby remarks: "Nothing can be decentralized properly which has not first been centralized. The basic essential is national controllability."⁹ In both concepts, administrative decentralization is on the terms of some national agency, responsible to President and Congress.

Yet in agriculture control over much research and educational work (extension) has never effectively been centralized, a situation supported by cogent reasons.¹⁰ Much of this work has been vested

⁶ "In so far as the educational and demonstrational soil conservation program is concerned, we recommend that it be conducted in the states as a special project in Extension Work." Statement, Representatives of Ass'n of Land Grant Colleges . . . House Committee on Agriculture, Jan. 13, 1948, mimeo., p. 35. It is true that the discussion of "duplication and overlapping" is pointed up by an analysis of the need for consideration of the whole farm (e.g., pp. 32-33); yet soil erosion as a symptom is glossed over. It is also true that the Committee on Agricultural Policy of the Land Grant College Association has presented numerous and penetrating analysis on this and related subjects, the most recent of which appears in Part 15, Long-Range Agricultural Policy, *Hearings*, House Committee on Agriculture, 80th Cong., 2d Sess. Yet here also, recommendations which find their way into proposed legislation, such as the Aiken bill (S. 2318, 80th Congress), are primarily concerned with giving SCS its come-uppance. Regarding "duplication and overlapping," some trenchant testimony has been introduced, e.g., H. C. Sanders, before the House Committee on Agriculture, Mar. 3, 1948 (mimeo.). Yet I suggest that concern with duplication can easily obscure more fundamental issues as to what is involved in agricultural policy.

⁷ The Hope bill. H.R. 6054, 80th Cong.

⁸ *The New Centralization*, p. 9.

⁹ *Big Democracy*, p. 104.

¹⁰ For research, see Charles M. Hardin, "Programmatic Research and Agricultural Policy," *Journal of Farm Economics*, May, 1947. An article is being prepared upon the function of extension in this respect; see also a forthcoming book by C. M. Hardin and Norman Wengert.

in the land-grant colleges; and a pertinent question arises: To whom are the colleges responsible? Moreover, in certain administrative programs, such as the Agricultural Conservation Program of PMA (formerly the AAA), a superficial appearance of centralization and subsequent decentralization, subject to the organizing control of the USDA, veils significant developments. Thus real control over personnel and policies of this program tends to slip away from the Secretary of Agriculture and to become vested in chairmen (and others) of state PMA committees, who appear to be in a sufficiently strong position independently to modify departmental control.¹¹ Again the question is pertinent: To whom are the state and local PMA committees responsible?

The upshot of these questions as to controllability suggests that the argument is distorted by over-emphasis upon the interests of various groups concerned. To put the matter baldly, the search for formulae to accommodate several associational interests obscures significant questions: To whom are administrators responsible? And for what are they responsible? It is quite conceivable that we will emerge with an agricultural field organization built upon a network of state and local farmer-elected committees which effectively interlock with influential persons in state and local farm organizations. Such organization would be responsible neither to the Secretary of Agriculture nor to any effective general electorate. It might mark a radical step in the already pronounced trend away from responsible government in agriculture. The effect upon rural public opinion may be profound. By this I mean that the network of state, county, and community committeemen constitutes an information service with great possibilities of indoctrination with respect to farmers' attitudes and opinions.¹² More than this, the committee structure presents the obvious channel (perhaps will come to be the only effective channel) through which modifications of agricultural policy might be effectuated—yet, in so far

¹¹ The controversy aroused by Secretary Anderson's reorganization order in Sept.-Oct., 1946, is illustrative of the strength and independence of state PMA chairmen. See the *National Union Farmer*, Nov. 1, 1946, AFBF *Official News Letter*, Oct. 16, 1946, Secretary Anderson's address to the National Grange (Portland, Oregon, Nov. 15, 1946, mimeo.), and compare the proposals of Secretary Anderson before a joint meeting of a sub-committee of the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture, *Hearings on the Long-Range Farm Program*, Washington, Oct. 6-8, 1947.

¹² The stereotypes reflecting the orthodox AAA program in the field hearings of the House Committee on Agriculture in 1947 are notable.

as this administrative organization evolves a code, a set of institutional "law-norms" in Sorokin's parlance,¹³ it will be doubtful whether any basic changes in agricultural policy that conflict with the accepted ideology can emerge.¹⁴

To say that the present debate over organization of public administration in agriculture is distorted and incomplete implies that some other theoretical concept is possible, some generalizing concept which is ill-served by recommendations based upon rationalizations of associational interests, and which is to be contrasted in its completeness with the partiality that characterizes the representations of pressure groups. I can discuss this implication under "Political Decentralization."

III. POLITICAL DECENTRALIZATION—IS IT POSSIBLE?

John D. Black has analyzed Jasper and Douglas counties, Illinois,¹⁵ the former with relatively poor soils, the latter with relatively good soils (analyses indicate Douglas soils to be approximately twice as rich in organic matter, nitrogen, phosphoric acid, potash, calcium, and magnesium as Jasper soils). The difference in soils was matched (according to the 1939 census) by differences in the farms. Thus Jasper farms averaged 120 acres to Douglas's 184; Jasper had an average of \$4,440 in land, buildings, and machinery as against Douglas's \$25,610; Jasper had an average of \$965 from farm products sold, traded, or used at home as against Douglas's \$3,530. Such were typical differences between two counties relatively close together geographically. Black's analysis calls for a system of land-use suited to the soils of Jasper county, involving enlargement of farms, shifts in farm enterprises, and better adaptations of relevant farm technology.

Clearly, with all that can be said for the national agricultural

¹³ *Society, Culture, and Personality*.

¹⁴ I am mindful of the remarkable changes in the parity formula which, e.g., the AFBF has sponsored, and also of the relative independence of corn-belt farmers in their current prosperity (see W. G. Murray's remarks as reported in the *N. Y. Times*, Sunday, July 4, 1948, Sec. 2); but I am also mindful of the statement of Edward A. O'Neal: "As a matter of fact, we in the Farm Bureau would feel better about the situation if there were less talk about new approaches and new programs." *Nation's Agriculture*, Nov., 1947.

¹⁵ "Notes on 'Poor Land' and 'Submarginal Land,'" *Journal of Farm Economics*, May, 1945. Jasper county is illustrative only. Black remarks: "The Jasper county situation is only one among many hundreds in the country, each with its own particular complexion." Cf. pp. 370ff.

programs, what is needed in Jasper county is a program radically adapted to the local peculiarities. Suppose that all the technical information were available and had been tried on pilot farms to prove the economic feasibility of farms differently organized and, say, double the size of present Jasper county farms. The problem of how to shift from present farm organization to that proposed would still remain. In large part, the problem is political. That is, its "solution" poses choices among different policies to be locally applied; moreover, it requires canvassing all possible contingencies and developing a local program accordingly.

The political aspects appear clearly when one recognizes that the choices would involve conflict. Suppose the county were empowered to zone agricultural land for different uses (exempted under the Illinois county zoning act of 1935). This might enable an important step to be taken in the long-run adjustment of agriculture in Jasper. But county zoning would require not only comprehensive analysis, but also conscious choice on the part of the county board. Suppose further that a land utilization project were set up, as was done frequently under federal authority in the 1930's. Nothing prevents a county from being authorized to purchase land, develop it, and then re-sell it or lease it for grazing privileges. But again the initial decision to do so and the subsequent administration, particularly with respect to who would get grazing permits, would involve local political choice. In addition, a radical readjustment of agriculture in Jasper county would require coördination with the county and township road system, school administration, and the levying and assessment of taxes. All these matters involve political choices.¹⁶

¹⁶ Cf. Clyde F. Snider, *County Government in Illinois* (1943). Jasper county has a board of supervisors elected by townships, which, among other things, levies taxes and makes appropriations; assessment is performed by township assessors, supervised by the county treasurer; but the county is subject to the over-all constitutional limit of 75 cents per \$100 of assessed valuation, unless a higher rate is approved by referendum; a lower limit is imposed by legislation, subject to increase by referendum; counties operate under numerous restrictions upon borrowing and a general debt limit of five per cent of the total assessed valuation of the county. Illinois counties have the characteristic elective "row offices," under the constitution of 1870, which is practically unamendable. Counties range greatly in resources; thus with some 75 per cent of Douglas's population (1940), Jasper had only one-third as much assessed valuation (1941). Cf. Snider, p. 32. This material is introduced to indicate the writer's awareness of the county as "the dark continent," as a "patch-work of boards," etc. Yet, the more one contemplates positive agricultural policy, including quotas, price supports, payments, technical assistance, farm and area planning, REA development, etc., the more it seems clear that some local unit of

Query: Could not federal legislation be enacted to empower the USDA to "make an offer" to Jasper county, for example, and to the state of Illinois? This offer might enable Jasper county to administer the agricultural conservation payment program, and might include considerable authority over the use of public credit for agriculture in the county.¹⁷ The grant would be limited. Thus only a certain amount of money would be available for conservation payments; and, to be consistent with national policy, the county might be required to stay within a certain acreage of corn or perhaps of "total soil depleting crops." Moreover, the county might be required to follow a process of administration which would demand that local adjustment and credit policy *follow after* analyses by competent technicians, although if local self-determination is to mean anything, local policy should not be required to be *based upon* the recommendations of such analyses. The offer might be contingent upon Illinois' adaptation of statutes enabling county reorganization and the consequent reorganization of Jasper county to vest greater responsibility in the board of supervisors over the levying and assessment of taxes, road administration, the zoning of agricultural land, etc. An effective merit system for county personnel might be required. Screams about federal domination by self-

general government should be in position to make local adaptations of agricultural policy, some of which must be political. General governmental units are advocated as against special districts, e.g., soil conservation districts with ordinance-making powers, because it is to be hoped that a local political function might develop which is forced to assume the politician's difficult task of appraising numerous policies, e.g., for schools, roads, and welfare, as well as for agriculture and conservation *per se*. Thus numerous ends would have to be weighed against each other, and the institutional situation would be created which encourages politicians to accept that "responsibility to the consequences" stressed by Max Weber in "Politics as Vocation." I am much impressed by E. W. Weidner, "A Review of the Controversy over County Executives," *Public Administration Review*, Winter, 1948, who writes: "There are those who are skeptical of the chances of council-manager government to improve county government because of the strength of political parties in the counties. They believe that the council-manager plan would bring a change in form only and not in substance—that the managership would be given to the county boss. In response, it may be said that if parties do not reform, at least everyone will know who is responsible for poor government—that in any event the change will not result in worsened conditions. On the other hand, there is nothing in the manager plan that makes it undesirable to have the county controlled by the dominant political party of the area if that party has a sense of public responsibility" (p. 27).

¹⁷ On credit, see the interesting suggestion for county assumption of discretion and responsibility in John D. Black, "Agricultural Credit Policy in the U. S., 1945," *Journal of Farm Economics*, Aug., 1945, at pp. 612-13.

appointed states'-righters are anticipated, but note that the upshot of federal requirements would merely be to insist that the county assume a political function. What the county chose to do with that political function would be for the county to determine, of course, within the limits suggested above or some modification of them.¹⁸

¹⁸ The original Aiken bill, S. 2318, 80th Cong., contained this most interesting provision: "Sec. 113. For the purpose of testing any program, or phase thereof, which the Secretary is authorized but not required to carry out, relating to the production, distribution, or utilization of agricultural commodities, or to any other agricultural matter, the Secretary is authorized to select not more than ten counties distributed throughout the area to which such program or phase might be made applicable and make such program or phase applicable to such counties on an experimental basis."

See also "Project 1, Agricultural Adjustments Toward an Efficient Agriculture in the South," *Hearings*, Special sub-committee on cotton, House Committee on Agriculture, H. of R., 80th Cong., 1st Sess., July 7-8, 1947. The calls for "group action," which, obviously, means in large part "political action," and for consideration of "institutional and legal forces" are exactly in line with the thesis of this article. "Group action may facilitate provision of credit. Most people are familiar with cooperative credit institutions and with policies and action programs of the federal government, which facilitate farmers' attempts to obtain needed capital. Constructive policies by governmental agencies, land-owners, and tenants may speed agricultural adjustments on tenant-operated farms. It seems inevitable and probably desirable that considerable tenancy will continue. Land values have been bid up by many owners who are willing to pay high prices and to accept the relatively low rate of return on their investment. Bidding for real estate by non-farm investors has seriously distorted land prices in some locations, compared with value based on capitalized earning capacity. This adds another difficulty for farmers striving to attain ownership of their farms. On the other hand, tenant operation of farms may be used to facilitate development of efficient farming if economically sound tenure policy and renter terms can be formulated, and if procedures can be developed to make available necessary intermediate and short-term credit. Group action also is indicated for adjustments basic to land improvements. In some cases, changes in tax policy are indicated; in others, the need is for general adoption of management practices directed to the desired end. Where approved practices are used in caring for woodlands, including fire protection, not only are rates increased, but the waiting period is shortened. Through such practices, timber becomes one of the lowest risk groups, making possible ample credit at a low rate of interest. Usually, however, the adoption of such practices is dependent upon committee or group action."

"Agricultural policy must, however, take account of the economic and political environment in which it finds itself. Research on policy and programs must thus be realistic and not be developed within a framework of assumptions that disregard institutional and legal forces that are the very essence of agricultural difficulties. Those who formulate and execute public policy could be assisted materially in this very important field of activity by a more adequate research program dealing with the many complex problems involved in this field."

The reports of the Council of Intergovernmental Relations are suggestive of possibilities, particularly the budget devised in Blue Earth county, Minn., and the proposal for a county agricultural committee in Colquitt county, Georgia. But these reports suffer from a lack of clear-cut consideration of local *political* functions in-

Jasper county would then have certain necessary powers and some funds (in the agricultural conservation program) to use judiciously or injudiciously as it might choose to help make its own agricultural adjustments. The county should have technical assistance, from the College of Agriculture at Urbana, from various state departments, from the SCS, etc.; but the program adopted should be the county's own.

This proposal is an improvement over the county land-use planning program of 1938-42. The manner of the bureaucratic and farm organization attack upon that program concealed its chief weakness, which was *an assumption that, if given the benefit of thorough professional analyses of their problems, rural local people would agree as to what should be done*. This is, I think the chief reason why county planning left so little perceptible. County planning was really effective only in those counties, as in the Wenatchee apple area in Washington or in Teton county, Montana, where the problem facing the local people was either radically to adjust or to lose their economic means of support; in consequence, a political consensus naturally appeared which was so strong as, paradoxically, to escape notice! Everybody did agree; but in the great majority of situations, this will not happen. In contrast, the present proposal frankly recognizes that a function of political choice exists.

This illustrative exposition is offered to indicate the shortcomings of the present debate over agricultural administration. It is clear that, although the debate is couched in terms of "federal, state, and local relations," the issues as presented disregard the possibility of *political decentralization*. One would not expect anything else, because of the nature of the groups making representations. Thus the Extension service has not helped to identify the

volving the resolution of conflicts of interest. See *Grass Roots; A Report and an Evaluation*, published by the Council, Washington, D. C., 1947, and reports on individual counties. The response of Piatt county, Illinois, to the proposals of E. J. Working and L. J. Norton, wherein the assumption at the county level of discretionary control over agricultural conservation programs was strongly suggested, is dramatically in point. See Working and Norton in *Illinois Farm Economics*, Apr. and May, 1946, and Dec. and Jan., 1946-47, and Norton, *Farm Income and Prices*, American Enterprise Incorp., New York, 1947, p. 33. One should also call attention to the fruitful possibilities of coordinating research in soils with county taxation policy. See Charles E. Kellogg and J. Kenneth Ableiter, *A Method of Rural Land Classification*, Tech. Bull., 469, USDA, Feb., 1935, and Kellogg, "Contributions of Soil Science and Agronomy to Rural Land Classification," *Journal of Farm Economics*, Nov., 1940.

political function. This failure is the harder to attack because it is tied up with Extension's code, the combination of statements of principle that lend significance and prestige to individual Extension workers. The code is largely epitomized in the "two blades of grass" theory. The real underlying assumption here is that there is no necessary conflict in society. Extension will work with individuals (as demonstrators) and with groups willing to coöperate to some common end (although it is true that Extension folk are sometimes disturbed by incipient or real conflicts between coöperatives and private businesses); but Extension generally ignores the political function in its analysis of the needs of agricultural society. Extension "plays politics," of course; in this it is not different from other public agencies. But it should be Extension's rôle to analyze and clarify the action system in its society, with special reference to the rural elements; and this Extension fails to do.

Whatever failure one may attribute to the agricultural extension services of the USDA and the several states is by no means theirs alone. Research in agriculture has rarely been addressed to the *process* of policy formation, *including its political aspects*. Research has been dominated by the natural sciences, which are frequently practiced on the assumption that it is none of the scientist's affair to concern himself with the general sociological and political effects of his findings.¹⁹ Or, quite differently, natural scientists have sometimes been wont to develop general social theories which assume that social problems can be solved by a process of adjustment of human life to the exactions of nature so that harmony emerges.²⁰

¹⁹ Cf. Charles E. Kellogg, "The Scientist and Social Policy in the Democratic State," *Scientific Monthly*, May, June, July, 1942.

²⁰ It is perhaps a little unfair to cite the following as characteristic; yet the concept of man in harmony with nature is so compelling as to be extremely dangerous. Therefore, I quote it to challenge natural scientists in agriculture as to whether it represents, however preciously, their own conscious or sub-conscious philosophies:

"Fair is the land that rims the Tuscarawas, the Conotton, and the McGuire. Quiet, cool, are the dawdling streams. Green, happy, are the cradling slopes. Gentle is the rule of order and discipline. A canoe slices like a whisper across a shaded pool, and a drinking doe mothers her fawn to the protective cover of the brush. Nature smiles the old-young smile of memory and hope.

"Here, where calm waters pile back in a twelve-mile lake from the breast of a man-made dam, a new faith stands to cheer the rising sun. A noble and intelligible faith that moves within a widely-drawn periphery. Here, vigorous and clean as morning dew—and as welcome to the aging throat of civilization—lies upon every leaf and stem a concept of an Earth at peace with itself. Here, Science and Youth move in comradeship with that which is on, and of, the soil." Wellington Link, *Soil Conservation*, Sept., 1944, p. 51.

The harmony they envisage is an organic one, an ecological concept, but it oddly excludes that aspect of "natural" organic relationship characterized by the big fish swallowing the little ones. Even more, this harmony fails to recognize the rôle of conflict and antagonism in society, competition in the market-place, collective bargaining, the struggle for political power, revolution, and war.

At the same time, social science in agriculture has hardly lived up to its responsibilities of analyzing the structure of social action, including its political aspects. Economists have dominated agricultural social science; and, with due recognition of their impressive contributions, economists are prone to assume too much for analysis and planning. Concerned with the maximization of wealth, they frequently wish to treat social action as though by the application of intelligence formulas could be derived with which all would agree; worse, they treat disagreement as bullheadedness and politics as the product of a few extremely perverse individuals who appeal to the childish or illogical (i.e., non-economic) side of human nature.

IV. WANTED—A NEW CONCEPTION

It seems to me that we can improve our grasp of the structure of social action in agriculture within a system of federally-divided powers. This can better be accomplished if we turn away from the abrasive area of "federal-state relationships" to concentrate initially upon the participant associations in agriculture. These associations are farm organizations, the AFBF, the Grange, the Farmers Union, the National Association of Soil Conservation District Supervisors, etc.; they also include land-grant colleges, individually, collectively in the Association of Land-Grant Colleges and Universities, and their parts, i.e., the state extension services and experiment stations. They include the USDA and agencies within it, for our purposes particularly the SCS and PMA. Others are government organizations, such as TVA, and private organizations, such as bankers' associations.

Such associations are the necessary means of agricultural policy; for example, if one wishes to consider the possible rôle of credit in providing farm enlargement and improvement loans, he must deal with public credit agencies, both with respect to their financial resources and legal authority and responsibilities and also with respect to what Sorokin calls the "law-norms" of the association, or

what in Barnard's terms constitute the set of organizing principles of the associations's code. I suggest that some explanation of the slowness with which public agencies have developed new and needed lines of credit for farm enlargement and improvement purposes reflects the difficulty of adapting Farm Credit Administration personnel to new ways of thinking about the rôle of public credit. The same limitations apply even more to private bankers.²¹

It is not easy for an outsider to attempt to construct codes of associations. Yet the SCS code would seem to contain something like the following. Soil erosion is a national menace. We must save the topsoil. We must develop a technology to achieve this end and an organization to apply the technology. Since the problem is national, a nation-wide organization is called for; since the benefits will be diffuse, a public program is indicated. The technology is sufficiently generalizable, moreover, that national administration appears to follow. For purposes of applying the technology, local contacts are necessary. In order to protect the integrity of the technology, adequate organization and procedures need to be developed. To this end, the land-use capability tables provide a common method of action, and the complete farm plan provides the standard of application in the final analyses. The achievement of organization to fulfill the possibilities of technology requires a high order of technical analysis at the farm level with the technical criticism and control at higher levels. Yet conservation is not altogether an individual farm matter; it may be a watershed or a regional problem; but common action in the United States requires consent and even spontaneity. Moreover, individual soil conservation activities are undertaken in the presence of economic criteria—"How much conservation can I afford on my farm?" And our economic beliefs emphasize the importance of the farmer's individual decisions. Now, how to (a) protect the scientist's integrity, (b) bow to democratic concepts to the degree that conservation is a common problem or a social problem, and (c) admit entrepreneurial self-determination? The code allows for all these things. The soil conservation district is to approach the problem in communal fashion; the farmer is to remain his own entrepreneur, adapting technical soil conservation if he wishes and incorporating from *other* agencies what he needs and can get to round out his farm

²¹ See note 28 below.

management according to economic criteria. But SCS protects its integrity (subjectively viewed, that is) by defining the manner in which it will cooperate, i.e., the complete farm plan, etc.

The PMA (or AAA) would include: the disadvantaged position of agriculture in its share of the national income—essentially a moral analysis. Farm income is essentially a function of farm prices, which, then, should be supported—and at a “fair” level. In order to support prices, production control may be necessary. For these purposes, public action is required; moreover, public action should reach all farmers so far as possible and should apply alike to all farmers, with whatever modifications or classifications to adapt the program to similarly situated farmers. Then a further leap is made to the conception that public programs for agriculture should be conceived and administered by farmers in the interest of farmers, which is equated with the public interest. Upon this code, conservation was grafted in 1936 (the Soil Conservation and Domestic Allotment Act). But conservation is subordinated to the rest of the code; it should be applied universally, and be developed and administered by farmers in the price-supporting, production-controlling organization which, even when farm prices are high, should be kept intact as a hedge against depression.

These attempts to describe codes are at least suggestive of their significance.²² What we are after is the best possible delineation of agency and associational doctrine, the principles that lend authority to the hierarchy, the network of understandings and common values which permits “representative” statements to be made that with some significant degree of effectiveness carry the weight of collective statements—as though made by all members of the association.

There is also the question of the symmetry of associational codes, the significance of which will, I think, be profound in any comprehensive study of the “action system” in agriculture. By symmetry, I mean the tendency toward logical completeness and consistency in the governing principles of an association. Thus the SCS code, viewed as an ideal type, seems to provide maxims of action governing all elements of conduct of the personnel. This code permits one to know what matters are of professional concern,

²² For further analysis of codes of Extension and the AFBF, cf. the forthcoming article mentioned in note 10 above.

e.g., the development of agronomic and engineering methods, and what are not, e. g., analyses relating to agricultural marketing. For the former, SCS doctrine either provides an answer which befits one's professional rôle or else permits an answer to be logically deduced, e.g., with respect to the debate over deep plowing. The Forest Service has possessed a code, which has probably been decisively modified at times over the years (e.g., during the period in the 1920's characterized as "Greeleyism"). The Forest Service code appears to permit answers as to the advisability of public regulation of private forests and as to the weight of various factors in determining the optimum combination in a multiple-use forest. I have suggested that PMA's code (the old AAA) includes, but in a sense depreciates, soil conservation. This marks an important aspect of the conflict between SCS and PMA as between two sets of values. This conflict suggests the need for a careful exploration of the possibilities of evolving a common doctrine which will embrace the ideologies of both if the two are to be combined into one agency—as Secretary Anderson and Senator Aiken have proposed, for example. In 1941-42, a combination of the two was attempted, in the short-lived Agricultural Conservation and Adjustment Administration, but the two agencies failed to merge. Another useful agency for the study of the evolution of a code would be the Farmers Home Administration (erstwhile Farm Security Administration). There seems to have been a marked change in both program and personnel which accompanied the shift from the resettlement project approach and philosophy to the rehabilitation approach and philosophy about 1936. There is reason to believe that the mixture of relief (the grant program) and rehabilitation sometimes perplexed and frustrated FSA personnel. Pursuant to the Cooley Act, creating the Farmers Home Administration (1946), the Emergency Crop and Feed Loan program of the Farm Credit Administration, together with its personnel, was transferred to FHA. There is some indication that this mixture of philosophies has had an unsettling effect upon the FHA program, as well as upon the Emergency Crop and Feed Loan program.

Further comments could be made respecting the possibility of symmetrical development of agency codes, but these are sufficiently illustrative. It should be said that nothing in the concept of the codes precludes the possibility of internal debate as to their contents, as the files of the *Journal of Forestry* eloquently testify for

the Forest Service.²³ It should further be mentioned that the spelling out of codes and, indeed, their tendencies toward symmetry appear frequently to involve questions of technology. The Farm Credit Administration's appraisal system may be a case in point.²⁴ So may be the "sustained yield management" concept in forestry.²⁵ A most significant example in the field of conservation is the different development of soil survey techniques by two USDA agencies, the Soil Conservation Service and the Division of Soil Survey, Bureau of Plant Industry, Soils, and Agricultural Engineering.²⁶

As part, then, of constructing a new conceptual framework of analysis for agricultural policy, agency and associational codes need examination. Let us remember from the illustration in Jasper county, Illinois, that our problems of understanding and manipulating the structure of social action in agriculture are largely controlled by the necessity for local adaptation. This means that analysis of codes needs to be done not merely nationally but also state by state, and even on an intrastate basis.

This business of getting at the nature of associations requires analysis by sociologists, social psychologists, and students of politics. Some tools need developing from books like Parsons', *Structure of Social Action*, Barnard's *Functions of the Executive*, and Herbert Simon's, *Administrative Behavior*. The approach might be experimental, just as the budget method of farm management enables analyses to be made on the basis of which conservation loans may be more scientifically tried out. Moreover, the experimentation should be closely geared in with extension work in order to be made the subject of communication to farmers.

V. THE SIGNIFICANCE OF SOCIAL "ENDS" IN AGRICULTURAL POLICY

But suppose an understanding of the nature and inner workings and codes of all relevant associations and agencies might be gained. What measure is possible, or better, what criteria of judgment can

²³ E.g., issues for July and Oct., 1942.

²⁴ See Karl Brandt, "A Public Farm Land Appraisal Service . . .," *Journal of Farm Economics*, Aug., 1945.

²⁵ Kenneth P. Davis, "Development of Forest Practice Controls in the U. S.," *Journal of Forestry*, Nov., 1946, and H. H. Chapman, "Is Selective Cutting a Panacea for Forest Regulation?," *ibid.*, May, 1944.

²⁶ Although no systematic appraisal has been made of the two methods, see *Soil Science*, Oct., 1947, and Jan., 1949.

be evolved, which will permit society, through its institutionalized methods of public policy formation, to employ its associations and agencies as means? Granted that much social inter-relationship and action is not purposive at all,²⁷ we must assume a large rôle for setting and attaining ends in agricultural policy. There is nothing new about this in principle; every agricultural policy from the provision of land grants for the establishment of agricultural colleges to recently enacted changes in the parity formula has been purposive. Yet much analysis and clarification of possible social ends in agriculture, especially as these would be made concretely effective in local situations, remains to be done. Moreover, there is reason for attempting to relate these ends to over-riding goals derived from political theory as the maintenance of the "operative ideals," in Lindsay's terminology. Through this procedure, two great accomplishments are possible: first, goals may be clarified so that not merely the coöperative steps to their attainment emerge, but also areas of conflict can be disclosed and issues can be sharpened for political decision; and, second, a means may be found for articulating the norms of organized political communities so as to provide an over-riding check upon the norms or codes of agencies and associations.

It must be strongly emphasized that study of the nature of the associations in agriculture will prove profoundly impressive. When one turns to immediate ends of agricultural policy, whether they involve credit reform, rural electrification, soil conservation, education, research, grants-in-aid to farmers (such as compensatory payments to achieve adjustments), or coöperative purchasing and marketing, the previous excursion into the nature of associations will appear relevant: always organizations, associations, groups will be involved. These latter will tend to have their own corporate personalities. Many of the associations will evince imperialistic tendencies of expansion and comprehension of ever wider fields of service to farmers. Likewise, tendencies to create and strengthen organizations of farmers will be evident. I believe that in this imperialism, in this process of creating loyalty to the agency or association, the development of codes is crucial. Further, such codes embody statements of purposes, associational purposes.

Hence the difficulty of our situation. I have attempted to show

²⁷ P. Sorokin, *op. cit.*

that the representations of interested associations both distort and under-state the issues involved in the organization of public programs for agriculture. I have suggested both that associations are essential to the evolution and prosecution of public programs in agriculture and also that public policy is purposive. Now I must add that the purposes of public policy may and frequently must conflict with purposes of associations.²⁸ Thus the question arises: Can the conflict of purposes be reconciled?

One way out of the difficulty appears if we concentrate upon the political process; for politics involves struggle; struggle occurs as conflicts over ends or over the operation of means to ends; ends suggest norms; norms, codes. It ought to be possible to lay down social norms in a manner to clarify the relation of these to associational norms; at any rate, I propose to write "as if" this is possible. Now to the attempt.

Politically organized societies develop what A. D. Lindsay has called "operative ideals" (*The Modern Democratic State*, Vol. 1). Fascism, communism, divine right monarchies, theocracies, democracies, and all the rest do so. These ideals are essential (although not always effective) to the crucial task of "turning force into right and obedience into duty." These ideals are frequently imprinted through social action upon the hearts of individuals, thus changing them into "citizens," as Rousseau would have it. All the dangers of orthodoxy are inherent in this practice, and the religions of nationalism may result.

Yet it is hoped that the content of the ideals may be such as to prevent an intellectual straight-jacket from developing out of them; this is in part the function of *dynamism* as incorporated among the

²⁸ This has been suggested regarding adaptation of existing credit institutions to the provision of new varieties of credit. It has been suggested regarding the inability of agricultural extension workers, because of their conception of their function, to help clarify the areas of conflict in rural society. It is suggested by strictures against present conservation programs. E.g., Noble Clark, "Long-Range Agricultural Policy," *Hearings*, H. of R., Committee on Agriculture, 80th Cong., 1st Sess., Part 3, May 3, 6, 7, 8, and 29, 1947, at p. 400; Milton Eisenhower, speech, Dec. 15, 1947 (mimeo). See also the Report, Committee on Agricultural Policy, Land-Grant Colleges and Universities, in *Hearings*, "Long-Range Agricultural Policy," H. of R., House Committee on Agriculture, 80th Cong., 2d Sess., Part 15. The historical base in agriculture (in the PMA program) has often been attacked for imposing rigidities. The old FSA program was criticized for propping up uneconomic situations in agriculture, thus preventing needed adjustments. SCS has been criticized for not sufficiently considering the economic position of the farmer, etc., etc.

ideals of democracy as listed below. But, dangerous or not, the ideals are very much with us;²⁹ and an attempt to state some of those pertinent in our democracy is now in order:

1. Constitutional or limited government; political rights necessary for the existence of an organized opposition.
2. A diffusion of effective political power in society; hence, general educational programs and widespread equality of opportunity.
3. Popular control of the general direction of government; majority rule.
4. A high value upon dynamism; willingness for public experimentation; conditions permitting private and group experimentation.

Consideration of these operative ideals suggests the following as possible immediate goals of agricultural policy:

1. The maintenance of a vigorous agriculture in which family-type farms³⁰ predominate.

²⁹ Talcott Parsons has shown how four great social scientists have each been led to the position of emphasizing the importance of social values in understanding social action. See *The Structures of Social Action* (1937). Gunnar Myrdal has made remarkable use of this concept, embodied in the "American Credo," in interpreting the domestic Negro problem in *The American Dilemma*. The writer has adopted Myrdal's method in an analysis of "The Bureau of Agricultural Economics Under Fire; A Study in Valuation Conflicts," *Journal of Farm Economics*, Aug., 1946. The dangers are implicit in a penetrating essay by Leo Strauss, "On the Intention of Rousseau," *Social Research*, Dec., 1947. The dynamic of democracy is illuminated by A. D. Lindsay in his discussion of the changing nature of law and rights incident to the Reformation, e.g., "The state's rules with compulsion behind them represent only that minimum standard of social conduct necessary for order and security, necessary to give room for growth and progress." *Modern Democratic State*, p. 88. This one quotation, taken out of context, should not be interpreted too sweepingly; yet it follows that the system of common values in democracy can allow, within the framework of guaranteed rights, leeway for experimentation and innovation which permits the exfoliation of individual and group purposes. Some social purposes may be realized through governmental means, others may not. See also Reinhold Niebuhr's remarks on Jesus's rejection of Hebraic legalism, *Human Destiny*, pp. 39-40.

³⁰ A. Whitney Griswold's deflation of the family-farm as the chief bulwark of democracy (in his recent *Farming and Democracy*) is generally well taken; nevertheless, some 27,000,000 U.S. residents are still classed as rural-farm; and it is logical to suppose that their tenurial status, size of holdings, etc., are significant both with respect to their political attitudes and also with regard to the organization of political power. It should be remembered that a *family-type* farm may range from a few acres intensively cultivated for fruit or vegetables to several thousand acres in stock ranches. Nor is owner-operation an essential of family-type farms. I judge that political attitudes vary considerably among farmers according as typical farm organizations vary, e.g., from family-type farms in much of the corn belt, the Lake states, and the northern Great Plains, for example, to characteristic large holdings,

- a. These farms should be fairly efficient, in economic terms; i.e., they should not be wards of the state.
 - b. These farms should have entrepreneurial functions: the objective is to provide the farmer with tools of analysis and data so that he can make operating decisions which he feels are his.
 - (1) This does not preclude the development of coöperative marketing services, with the delegation of some decisions, e.g., as when to market hogs and at what weights.
 - (2) Nor does it preclude making farm management assistance and technical services available; nor even the requirement that farmers be willing to accept such services in order to get credit, conservation aids, etc.
 - c. These farms should provide levels of living, or the possibility of attaining levels of living, which include the materialistic elements that we think of as a part of our middle-class culture.
2. The production of the agricultural plant should serve the nutritional needs of the nation.
 3. The soil and moisture resources employed in farming should be efficiently used.

These goals of agricultural policy appear to be instrumental to the strengthening and preservation of the operative ideals as already described. Thus the approximation of these goals for agriculture would seem to help:

- a. To maintain a diffusion of political power and to increase equality of opportunity;
- b. To make this diffusion of political power effective by creating citizens capable of taking fairly "independent" views of political questions;
- c. To maintain the dynamic factor in one sector of the economy, since it is presumed that many characteristics of family-type farms will change over the years and that inflows and outflows of population and resources to and from agriculture will be not-able.

It may be noted also that the statement of goals represents a practical balance between the ideal of diffusion of political power and the ideal of "efficiency" as part of the concept of dynamism.

Other analyses could be presented on the basis of a different set

e.g., in parts of California, Arizona, or in cane-sugar areas. I have a preference for the political attitudes of family-size farmers, however much this preference may rest merely on scattered observations, conversations, and hunches.

of assumptions. A strict criterion of efficiency in agriculture might assert the need for agricultural labor to be employed as efficiently as labor outside agriculture, i.e., for a rapid approximation of equality between per capita incomes in agriculture and outside. This might mean mechanization of many farms, considerable farm enlargement, and the development of types of farms which, under varying circumstances, would be the most efficient in using the human agent of production. The family-size farm would be abandoned as a goal, except as it proved itself equally economic as, or more economic than, coöperative, corporation, or other large-scale farms. It seems clear that this modification would involve as much choice respecting any political values connected with family-size farms as the earlier formulation would; in the present concept, these political values would merely be brushed aside; but as much choice is involved in rejection as in confirmation.

Moreover, it would be possible to spell out operative political ideals in terms of a concept of gradations in human capabilities for political as well as for economic or technical performance. This might lead to the overt recognition of the aristocratic features in the present society and an effort to emphasize and further develop these. Instead of assuming that the state should modify its assistance to the ablest (or most fortunate) in order to have an equalizing effect, the assumption would frankly be that the state's assistance should be granted in proportion to the ability of the recipient. In short, in agriculture one should remove all limitations upon ACP payments, remove the 160-acre limit in the reclamation program of Interior, and depart from the principle of the historical base and allotments of minimum acreages, in order to assist the shift of agricultural production to lands best suited for it and to the most capable operators. Presumably, the graduated income tax would have to be modified, and there should be no more talk of graduated land taxes nor laws to penalize or ostracize corporation farming.

This approach would appear logically to be combined with the development of a philosophy of "my station and its duties," including a heavy dose of *noblesse oblige*. It would be perfectly in accord with the views of certain large farmers who have expressed the ideal to me of a patriarchal society in which the ablest possessed the land and "cared for" the indigent, the stupid, the indolent, and the thriftless. It might be combined further with political reforms

to add educational qualifications for electors as well as, perhaps, plural voting, as recommended by J. S. Mill.

This formulation would be compatible with the earlier one in that both would allow for constitutionalism, including alike the principle of limitations upon the current administration and provisions for safeguarding individual liberties of person, speech, entrance into businesses, and freedom of association, although this last might have to be limited lest the collective importunacies of what Schumpeter calls "the great enemy of society, the subnormal,"³¹ disturb the efficiency of the economic order.

Both the approaches suggested above can find justification in present agricultural programs. If the family-size farm has been a goal of much agricultural policy (witness the Homestead Act and, in a sense, minimum allotments and payments and even the historical base of the AAA), it is also true that much public assistance in agriculture is designed and has the effect of giving to "him that hath." Thus in the AAA (PMA) program, some twenty per cent of the farmers get sixty per cent of the payments. The Farm Credit Administration operates to provide favorable credit conditions and terms to commercial farmers. Marketing programs obviously favor the commercial farmers, especially those who, constituting a third of all farmers, supply some eighty per cent of the commercial agricultural product.³² Generally speaking, agricultural research and extension have most benefited those farmers already in better financial position than their neighbors.

What is important, therefore, is not the evolution of a rigid set of operative ideals and inexorable deductions therefrom for agricultural policy, but rather recognition of the importance of clarifying the goals of agricultural policy and the relation of these to operative ideals. It is the farmer's responsibility to adopt or reject improved methods of farming as developed and demonstrated to him by agricultural research and extension. It is likewise the farmer-citizen's responsibility, along with other citizens, and acting through institutionalized political processes, to make his choices as to public policy in the light of the purposes he wishes to serve. It is certainly equally the responsibility of research and extension to

³¹ *Capitalism, Socialism, and Democracy*, p. 213. This group constitutes, according to Schumpeter, "a great fringe of perhaps 25 per cent of the population."

³² But cf. Noble Clark's qualifying remarks, *op. cit.*, p. 394.

clarify the issues for choice as much as possible. But, in contrast to their yeoman service in the natural science field and also in farm management, agricultural scientists have failed to provide political analyses.

VI. THE CHALLENGE TO POLITICAL SCIENCE

From all this, the challenge to political science is clear. There is a vast field of study in the process of policy formation and execution in agriculture. It is a study which cries out for intensive local application and adaptation. It appears impossible to develop national policies which automatically serve to redress such situations as exist in Jasper county without a large measure of local adaptation, including the making of political decisions which, wherever their origin, must be applied locally and in detail. At the risk of laboring the obvious, it may be pointed out that collective action to conserve the soil (e.g., to cope with wind erosion and the practice of plowing up land which should be left in grass) may be necessary in some areas and not in others. Here, drainage problems may present issues for political choice; there, irrigation; here, credit presents one kind of issue; there, another. Here, the size of farms is a crucial problem; there, it is serious; elsewhere, it is minor. Here, the property tax and its administration represent barriers to adjustment in land-use; there, these may be negligible. Tenure problems are many and various.

Armed with the tools of their profession, political scientists can attack problems of agricultural policy by exploring the possibilities of political action at various levels. If we are really to plumb the possibilities of *political* decentralization of agricultural policy, where else can we turn for analyses of the capabilities and shortcomings of various units of government, for studies of public opinion in agriculture as related to the problems of formulating and executing policy, or for studies of the possible means of administrative arrangements for the joint prosecution by two or more units of government of a public function?

At the same time, political scientists can insist upon analyses which show the areas not only of coöperation but of conflict and consequent necessity of political choice. This means, I think, the effort to articulate possible social ends, both immediate ones of agricultural policy and more ultimate ones connected with the pres-

ervation of the operative ideals of democracy. When we attempt to relate associations to the community politically organized, it appears necessary to examine associational codes as they relate to the achievement of broader social purposes. If, for example, private banks reject proposals that they provide new lines of credit which analyses indicate as helpful to the end of agricultural adjustment, yet oppose provision of such credit by public agencies, it may be logical to carry the analysis of proposal, refusal, and consequences into the realm of high public policy characterized by maintenance of operative ideals. If soil conservation is expanded and expounded to embrace a general social philosophy from which canons of social action are rigidly deducible,³³ then the argument should be met on its own grounds, which require consideration of political theory. I am conscious of the worth of Herring's warning against the frequent invocation of high political principles, but I cannot see how otherwise the challenge of associational authority and loyalty to wider political authority and loyalty can be met.³⁴ Finally, I should go so far as to suggest that those whose public purposes tend to reproduce the rationalization of the interests of their dominant associations may unwittingly personify social dangers. They may prove more amenable to *gleichschaltung* than citizens accustomed to the exercise of political functions in decentralized political units.³⁵

The suggested approach appears more fruitful than attempting to take hold of the problem as one of "federal-state relations," which implies acceptance of the terms of the argument as laid down by interested groups and agencies. But the principle of federalism will receive due attention. For example, respecting the implementation of public programs, one must consider units of government with legal power and resources to act. This means not only national power but state power and the extension of state power in organized

³³ See Hugh Hammond Bennett, "Development of Natural Resources; the Coming Technological Revolution on the Land," *Science*, Jan. 3, 1947. Cf. discussion by Charles M. Hardin in *Land Policy Forum*, Oct., 1948.

³⁴ *Politics of Democracy*. One would not expect the argument on the basis of high principle to be continuous; there will, no doubt, be many moments of recession and subsidence of aroused public interest. I am largely concerned with further developing that decentralization of conflicts which Herring commends on p. 409.

³⁵ I am constrained to add that these strictures imply no personal criticisms; though one must frequently deal in personalities, the effort should be to understand the sociological influences at work. Cf. Max Weber, *op. cit.*

countries. Thus, analysis directed toward the possibility of political decentralization in agriculture must turn to the question of the scope of authority of counties, the reform of the property tax, and tenure legislation. All these are at present preëminently, and some of them exclusively, state functions as against national functions. In this fashion, state-local relations, federal-state relations, and federal-local relations are approached, but not in the first instance—rather, as it becomes logical to consider them in a systematic analysis of agricultural policy formation and execution.

VII. CHALLENGE TO AGRICULTURAL STATESMEN AND ADMINISTRATORS

I am aware that proposals for decentralization of functions to counties will elicit many hearty guffaws. Nevertheless, the tremendous development of positive agricultural policy, even to the extent of controlling production on individual farms, stares us in the face. So does the remarkable proliferation of associations in rural society. As I have tried to show, these developments call for a variety of local adaptation, including the creation of means for local political choices to be made—preferably, I think, locally. With all the shortcomings of counties that have been exhaustively shown by students, these units seem the logical ones for exercising important local political functions respecting programs for agriculture.

If we can have as rapid a development of political science research and extension in agriculture as has occurred in agricultural economics and rural sociology since 1925, there is much hope that rural social analysis may find the missing part that will raise the entire level of its approach to comprehensive consideration of rural action systems. I have emphasized the impossibility of ruling out politics, and I have tried to show what the introduction of political research would entail.

This puts the issue squarely up to land-grant college presidents and deans and directors of agricultural colleges, experiment stations, and extension services; to farm organization leaders; to officials in the USDA; and to congressmen and senators. Some of these men are friendly to the introduction of political science into agricultural research and education; others are somewhat favorably disposed, but skeptical; others are disinterested or antagonistic. Yet the foregoing analysis indicates the impressive shortcomings of

current analyses of issues in agricultural public policy organization. It also indicates the *possibility* of extremely significant contributions from political science in these fields.

I say *possibility* because I am quite aware of the extreme degree of rationality implied by the foregoing analysis. One is often reminded of Tolstoy's characterization of Czar Alexander's brain-truster, Speransky, who never considered that all he thought and all he believed might not be meaningless nonsense. Whether the rigors of national agricultural policy and the requirements of national accountability for the expenditure of federal funds will allow the devolution of a significant range of discretion to local political units is doubtful. Whether issues can be clarified for local political decision and sufficient power created at the county level to cope with these issues is highly debatable. Whether a political process can be so analyzed and understood as to evolve political ends that become effective criteria for controlling the vigorous self-serving propensities of associations remains to be proved. But proof cannot be had without trial; and I believe that I have at least suggested cogent reasons, in the shortcomings of present organization in agriculture as well as in the inadequacy of present analyses of agricultural organization, for the trial being made.

ABSOLUTISM AND RELATIVISM IN PHILOSOPHY AND POLITICS*

HANS KELSEN

University of California

Since there exists philosophy, there exists the attempt to bring it in relation with politics; and this attempt has succeeded in so far as it is today recognized to the degree of a truism that political theory and that part of philosophy we call ethics are closely connected with each other. But it seems strange to assume—and this essay tries to verify this assumption—that there exists an external parallelism, and perhaps also an inner relationship, between politics and other parts of philosophy such as epistemology, that is, theory of knowledge, and theory of values. It is just within these two theories that the antagonism between philosophical absolutism and relativism has its seat; and this antagonism seems to be in many respects analogous to the fundamental opposition between autocracy and democracy as the representatives of political absolutism on the one hand and political relativism on the other.¹

I

Philosophical absolutism is the metaphysical view that there is an absolute reality, i.e., a reality that exists independently of human knowledge. Hence its existence is objective and unlimited in, or beyond, space and time, to which human knowledge is restricted. Philosophical relativism, on the other hand, advocates the empirical doctrine that reality exists only within human knowledge, and that, as the object of knowledge, reality is relative to the knowing subject. The absolute, the thing in itself, is beyond human experience; it is inaccessible to human knowledge and therefore unknowable.

To the assumption of absolute existence corresponds the possibility of absolute truth and absolute values, denied by philosophical relativism, which recognizes only relative truth and relative values. Only if the judgments about reality refer ultimately to an objective existence may they aim at absolute truth; that is to say,

* The author wishes to thank the *Encyclopaedia Britannica* for permission to use in this essay some passages of an article "Absolutism, political," which he wrote for the *Encyclopaedia*. The article has not yet been published.

¹ Cf. Hans Kelsen, *Staatsform und Weltanschauung* (Tübingen, 1933).

claim to be true not only in relation to the judging subject but to everybody, always and everywhere. If there is an absolute reality, it must coincide with absolute value. The absolute necessarily implies perfection. Absolute existence is identical with absolute authority as the source of absolute values. Value judgments can claim to be valid for everybody, always and everywhere, and not only in relation to the judging subject, if they refer to values inherent in an absolute reality or, what amounts to the same, are established by an absolute authority. The personification of the absolute, its presentation as the omnipotent creator of the universe whose will is the law of nature as well as of man, is the inevitable consequence of philosophical absolutism. Its metaphysics shows an irresistible tendency towards monotheistic religion; whereas philosophical relativism, as anti-metaphysical empiricism insists upon the unintelligibility of the absolute as a sphere beyond experience, and consequently has an outspoken inclination to skepticism.

The hypothesis of philosophical absolutism that there is an absolute existence independent of human knowledge leads to the assumption that the function of knowledge is merely to reflect, like a mirror, the objects existing in themselves; whereas relativistic epistemology, in its most consistent presentation by Kant, interprets the process of cognition as the creation of its object. This view implies that the human subject of knowledge is—epistemologically—the creator of his world, a world which is constituted exclusively in and by his knowledge. Hence, freedom of the knowing subject is a fundamental prerequisite of the relativistic theory of knowledge. This, of course, does not mean that the process of cognition has an arbitrary character. There are laws governing this process; but these laws originate in the human mind, the subject of knowledge being the autonomous law-giver. Philosophical absolutism, on the other hand, if consistent, must conceive of the subject of knowledge as completely determined by heteronomous laws immanent in objective reality, and as subjected to the absolute, especially if the absolute is imagined as a personal being and super-human authority.

The subjectivistic character of the relativistic theory of knowledge involves two perils. The one is a paradoxical solipsism; that is, the assumption that the *ego* as the subject of knowledge is the only existent reality. Such assumption would involve a relativistic epistemology in a self-contradiction. For if the *ego* is the only ex-

istent reality, it must be an absolute reality. The other danger is a no less paradoxical pluralism. Since the world exists only in the knowledge of the subject, according to this view, the *ego* is, so to speak, the center of his own world. If, however, the existence of many *egos* must be admitted, the consequence seems to be inevitable that there are as many worlds as there are knowing subjects. Philosophical relativism deliberately avoids solipsism as well as pluralism. Taking into consideration—as true relativism—the mutual relation among the various subjects of knowledge, this theory compensates its inability to secure the objective existence of the one and same world for all subjects by the assumption that the individuals, as subjects of knowledge, are equal. This assumption implies that also the various processes of cognition in the minds of the subjects are equal, and thus the further assumption becomes possible that the objects of knowledge, as the results of these individual processes, are in conformity with one another, an assumption confirmed by the external behavior of the individuals. From the point of view of philosophical absolutism, on the other hand, it is not the equality of the subjects; it is, on the contrary, their fundamental inequality in relation to the absolute and supreme being which is essential.

II

In politics, the term “absolutism” designates a form of government where the whole power of the state is concentrated in one single individual, namely, the ruler, whose will is law. All the other individuals are subjected to the ruler, without participating in his power, which, for this reason, is unlimited and in this sense absolute. Political absolutism means for the ruled complete lack of individual freedom. It is incompatible with the idea of equality because justifiable only by the assumption of an essential difference between the ruler and the ruled. Political absolutism is synonymous with despotism, dictatorship, autocracy. In the past, the characteristic example is the absolute monarchy as it existed in the seventeenth and eighteenth centuries in Europe, especially in France under Louis XIV, who formulated its idea in the famous phrase: *L'État c'est moi*. In our time, political absolutism is realized in the totalitarian states as established by fascism, national socialism, and bolshevism. Its opposite is democracy based on the principles of freedom and equality. These principles exclude the establishment

of a totalitarian, i.e., an unlimited; and in this sense, absolute, power of the state, which from a democratic point of view is characterized by the formula *L'État c'est nous*.

The parallelism which exists between philosophical and political absolutism is evident. The relationship between the object of knowledge, the absolute, and the subject of knowledge, the individual human being, is quite similar to that between an absolute government and its subjects. Just as the unlimited power of this government is beyond any influence on the part of its subjects, who are bound to obey laws without participating in their creation, the absolute is beyond our experience, and the object of knowledge—in the theory of philosophical absolutism—independent of the subject of knowledge, totally determined in his cognition by heteronomous laws. Philosophical absolutism may very well be characterized as epistemological totalitarianism. According to this view, the constitution of the universe has certainly not a democratic character.

There exists not only an external parallelism between political and philosophical absolutism; the former has in fact the unmistakable tendency to use the latter as ideological instrument. To justify his unlimited power and the unconditional submission of all the others, the ruler must present himself, directly or indirectly, as authorized by the only true absolute, the supreme superhuman being, as his descendant or deputy or as inspired by him in a mystical way. Where the political ideology of an autocratic and totalitarian government does not permit recourse to the absolute of a historic religion, as in the case of bolshevism, it shows an unconcealed disposition to assume itself a religious character by absolutizing its basic value: the idea of socialism.

Political absolutism not only uses a metaphysical ideology for its practical purposes, i.e., its moral justification; it has also a political theory at its disposal which describes the state as an absolute entity existing independently of its subjects. According to this theory, the state is not merely a group of individuals; it is more than the sum-total of its subjects. It is a collective, and that means here a super-individual, body which is even more real than its members, a mystic organism and as such a supreme and super-human authority, whose visible representative or incarnation is the ruler, whether he be called monarch, Führer, or Generalissimo. It is the concept of sovereignty serving the purpose of this deification of the state which implies the worship of the ruler as a god-like

being. In relation to other states, the dogma of sovereignty leads to the negation of international law as a legal order above the states, that is to say, as a set of rules imposing obligations and conferring rights upon the states and thus determining the spheres of their legal existence. Sovereignty, in the sense of absolute supreme authority, can be the quality of one state only. By voluntarily recognizing international law, the sovereign state incorporates these legal rules into its own law and thus extends the validity of its national law, comprising the international law, over all the other states or, what amounts to the same, over all the other national legal orders. The view that international law is part of one's own national law is advocated by those who insist upon the sovereignty of their own state, and who take it for granted that legal interpretation of facts is identical with interpretation according to their national law, that is, the law of their own state. This juristic imperialism is usually not consistent enough to admit that by this interpretation the own state of the interpreter becomes the sole and absolute legal authority, the god in the world of law.²

III

Diametrically opposed to this absolutistic theory of the state is the one which conceives of the state as a specific relation among individuals, established by a legal order or, what amounts to the same, as a community of human beings constituted by this order, the national legal order. In rejecting the sovereignty dogma, this relativistic doctrine considers the state as subject, together with all the other states, to the international legal order. In their subjection to international law, all states are equal and members of the international community constituted by international law. According to this view, the state is certainly a legal authority; but not a supreme authority, since it is essentially under the authority of international law. But this law is created, in a thoroughly democratic way, by custom and treaties, that is, by the coöperation of the states subjected to it. As a legal community, the state exists together with all the other states within the international community under international law, just as private corporations exist within the state under national law. Thus the state represents only an intermediate stage between the international community and the vari-

² Cf. Hans Kelsen, *General Theory of Law and State* (Harvard University Press, 1946), pp. 419 ff.

ous legal communities established under the state in accordance with its national law. The relativization of the state is one of the essential objectives of this political theory. It may be characterized as a democratic theory of the state, because it reflects the spirit of democracy. For, just as autocracy is political absolutism and political absolutism is paralleled by philosophical absolutism, democracy is political relativism which has its counterpart in philosophical relativism.

It might be taken for a more or less superficial analogy between democracy and relativism that the fundamental principles of freedom and equality are characteristic of both; that the individual is politically free in so far as he participates in the creation of the social order to which he is subjected, just as the knowing subject—according to relativistic epistemology—is autonomous in the process of cognition; and that the political equality of the individuals corresponds to the equality of the subjects of knowledge, which relativistic epistemology must assume in order to avoid solipsism and pluralism. But a more serious argument for the relationship between democracy and relativism is the fact that almost all outstanding representatives of a relativistic philosophy were politically in favor of democracy, whereas followers of philosophical absolutism, the great metaphysicians, were in favor of political absolutism and against democracy.³

IV

It is well known that in antiquity the sophists were relativists. Their most prominent philosopher, Protagoras, taught: Man is the measure of all things; and their representative poet, Euripides, glorified democracy. But Plato, the greatest metaphysician of all times, proclaimed against Protagoras: God is the measure of all things, and, at the same time, rejected democracy as a contemptible form of government. His ideal state is a perfect autocracy.⁴ In Aristotle's *Metaphysics*, the absolute appears as "the first mover who is itself unmoved" and stands as a monarch over the universe. Consequently the philosopher presents in his *Politics* the hereditary monarchy as superior to democracy.⁵ His teleological interpreta-

³ Cf. Bertrand Russell, *Philosophy and Politics* (1947), *passim*.

⁴ Cf. Hans Kelsen, "Platonic Justice," *International Journal of Ethics*, Vol. 48 (1937), pp. 367 ff.

⁵ Hans Kelsen, "The Philosophy of Aristotle and the Hellenic-Macedonian Policy," *Ethics*, Vol. 48 (1937), pp. 1 ff.

tion of nature—a consequence of his metaphysics—is in direct opposition to the mechanistic view of the atomists, who strictly rejected causes which were simultaneously ends and thus became the founders of modern science. It was not by chance that Democritus, who together with Leucippus developed the anti-metaphysical theory of atoms, declared: "Poverty in democracy is as preferable to pretended prosperity in monarchy as freedom is to slavery."

In the Middle Ages, the metaphysics of the Christian religion goes hand in hand with the conviction that monarchy, the image of the divine rule of the universe, is the best form of government. Thomas Aquinas' *Summa Theologiae* and Dante Alighieri's *De Monarchia* are the classical examples for this coincidence of philosophical and political absolutism. But Nicolaus Cusanus, who in his philosophy declared the absolute as unknowable, in his political theory, couched a lance for the freedom and the equality of men. In modern times, Spinoza combined his anti-metaphysical pantheism with an outspoken preference for democratic principles in the moral and political fields; but the metaphysician Leibniz defended monarchy. The English founders of anti-metaphysical empiricism were decided opponents of political absolutism. Locke affirmed that absolute monarchy was inconsistent with civil society and could be no form of government at all. Hume, who much more than Kant deserves to be called the destroyer of metaphysics, it is true, did not go as far as Locke; but he wrote in his brilliant essay, "Of the Original Contract," that the consent of the people is the best and most sacred foundation of government, and in his essay, "Idea of a Perfect Commonwealth," he sketched the constitution of a democratic republic. Kant, following Hume, showed in his philosophy of nature the futility of any metaphysical speculation, but in his ethics he reintroduced the absolute, which he so systematically excluded from his theoretical philosophy. Likewise, his political attitude was not very consistent. He sympathized with the French Revolution and admired Rousseau; but he lived under the absolute monarchy of the Prussian police state and had to be cautious in his political statements. So in his political theory he did not dare express his true opinion. Hegel, on the other hand, the philosopher of the absolute and objective spirit, was also a protagonist of the absolute monarchy.

V

It was a disciple of Hegel who, in the fight against the demo-

cratic movement in Germany during the nineteenth century; formulated the catchword: Authority, not majority! And indeed, if one believes in the existence of the absolute, and consequently in absolute values, in the absolute good—to use Plato's terminology—is it not meaningless to let a majority vote decide what is politically good? To legislate, and that means to determine the contents of a social order, not according to what objectively is the best for the individuals subject to this order, but according to what these individuals, or their majority, rightly or wrongly believe to be their best—this consequence of the democratic principles of freedom and equality is justifiable only if there is no absolute answer to the question as to what is the best, if there is no such a thing as an absolute good. To let a majority of ignorant men decide instead of reserving the decision to the only one who, in virtue of his divine origin, or inspiration, has the exclusive knowledge of the absolute good—this is not the most absurd method if it is believed that such knowledge is impossible and that, consequently, no single individual has the right to enforce his will upon the others. That value judgments have only relative validity, one of the basic principles of philosophical relativism, implies that opposite value judgments are neither logically nor morally impossible. It is one of the fundamental principles of democracy that everybody has to respect the political opinion of everybody else, since all are equal and free. Tolerance, minority rights, freedom of speech, and freedom of thought, so characteristic of democracy, have no place within a political system based on the belief in absolute values. This belief irresistibly leads—and has always led—to a situation in which the one who assumes to possess the secret of the absolute good claims to have the right to impose his opinion as well as his will upon the others who are in error. And to be in error is, according to this view, to be wrong, and hence punishable. If, however, it is recognized that only relative values are accessible to human knowledge and human will, then it is justifiable to enforce a social order against reluctant individuals only if this order is in harmony with the greatest possible number of equal individuals, that is to say, with the will of the majority. It may be that the opinion of the minority, and not the opinion of the majority, is correct. Solely because of this possibility, which only philosophical relativism can admit—that what is right today may be wrong tomorrow—the minority must have a chance to express freely their opinion and must have full opportunity of becoming the majority. Only if it is not possible

to decide in an absolute way what is right and what is wrong is it advisable to discuss the issue and, after discussion, to submit to a compromise.

This is the true meaning of the political system which we call democracy, and which we may oppose to political absolutism only because it is political relativism.

VI

In the eighteenth chapter of the Gospel of Saint John, the trial of Jesus is described. The simple story in its naïve wording is one of the sublimest pieces of world literature and, without intending it, grows into a tragic symbol of the antagonism between absolutism and relativism.

It was at the time of Passover when Jesus, accused of pretending to be the Son of God and King of the Jews, was brought before Pilate, the Roman procurator. And Pilate ironically asked him, who in the eyes of the Roman was but a poor fool, "Then, you are the king of the Jews?" But Jesus took this question very seriously, and, burning with the ardor of his divine mission, answered: "You say so. I am a king. To this end I was born and for this cause came I into the world, that I should bear witness to the truth. Everyone who is on the side of the truth listens to my voice." Then Pilate asked, "What is truth?" And because he, the skeptical relativist, did not know what the truth was, the absolute truth in which this man believed, he—quite consistently—proceeded in a democratic way by putting the decision of the case to a popular vote. He went out again to the Jews, relates the Gospel, and said to them: "I find in him no fault at all. But you have a custom that I should release to you one at the Passover. Do you wish that I set free to you this king of the Jews?" Then cried they all again, saying: "Not this man, but Barabbas." The Gospel adds: "Now Barabbas was a robber."

For those who believe in the Son of God and King of the Jews as witness of the absolute truth, this plebiscite is certainly a strong argument against democracy. And this argument we political scientists must accept. But only under one condition: that we are as sure of our political truth, to be enforced, if necessary, with blood and tears—that we are as sure of our truth as was, of his truth, the Son of God.

PUBLIC ADMINISTRATION

THE APPLICATION OF SCIENTIFIC MANAGEMENT PRINCIPLES TO INTERNATIONAL ADMINISTRATION*

DONALD C. STONE

Director of Administration, Economic Coöperation Administration

When we consider the problem of governments collaborating through international organizations, we tend to think only in terms of foreign policy and of issues involving conflict among countries. This is, of course, natural since these are the questions uppermost in the news. But there is another side to international collaboration. If international organizations are to be successful in dealing with world problems, the policy organs through which negotiations are conducted and the secretariats which handle the administrative work must be properly organized and administered. Successful international administration depends upon efficient organization and management, much like any governmental or private endeavor depends upon them.

I. THREE ASPECTS OF INTERNATIONAL ADMINISTRATION

Present international organizations, as the very name implies, are based upon the membership of sovereign states. We have not yet achieved agencies of world government. For this reason, there are significant political and structural differences between those international organizations, on the one hand, and other governmental and private institutions, on the other. International organizations must first create effective organs to facilitate the process of negotiation, policy formulation, and other legislative or policy-deciding functions.

The organs of negotiation need special services and other administrative arrangements that are organized under what we know as international secretariats. Unless the secretariat of an international agency is effectively organized and managed, the work of the policy and negotiating organs is impaired, and the agency will tend to remain static and unproductive. Conversely, a dynamic secretariat can go far in helping the representative bodies to reach agreement and to assure national implementation. Within the secretariats of international organizations, we encounter all the problems of administrative management found in any national organization, and some others in addition.

There is a third aspect of international administration. The quality of administration of national governments has a profound effect upon the

* Prepared for and submitted to the Eighth International Management Congress, Stockholm, Sweden, 1947.

efficiency of international agencies. Not only is it necessary that delegations consist of competent persons; it is also necessary that the delegations be backed up by effective organizations at home to provide them with necessary policy guide lines and instructions. Here we encounter the problem of how national governments can be mobilized to conduct foreign relations and to deal effectively through international agencies. Since international agreements are ineffective unless carried out by member governments, high achievement through international agencies depends upon competent management of national affairs.

The effective conduct of international administration today requires progress on all three of these fronts: (1) the organizational arrangements for the conduct of negotiations, (2) the administration of the secretariats of international agencies, and (3) the organization and management of national governments.

Improved administration must be attempted in the midst of a substantial proliferation of international agencies—the United Nations, the Food and Agriculture Organization, the United Nations Educational, Scientific, and Cultural Organization, the International Labor Office, the International Monetary Fund, the International Bank for Reconstruction and Development, the International Civil Aviation Organization, the World Health Organization, and others.

Fortunately, the structure and functioning of all these international organizations are still in the developmental stages, and both national and international officials are seeking to improve them. Moreover, there is increasing recognition of the fact that even though we achieve international agreement on important matters of political and economic policy, poor administration of international and national agencies will endanger the effectuation of international policy on which so many hopes rest.

II. RESOURCES FOR IMPROVING ORGANIZATION AND MANAGEMENT

It is also fortunate that we already possess a substantial body of knowledge and experience on which to base future efforts to improve the varied aspects of international organization. The experience of the League of Nations, the International Labor Office, and a number of lesser bodies has served to identify the requisites of effective management in international bodies. Unfortunately, however, only a small part of the written material concerning these organizations has been directed to administrative arrangements and processes.

During World War II, we witnessed the successful administration of highly complex and far-flung international operations. Organizations were developed for the international allocation of productive resources, raw materials, and food, and for other coöperative efforts among the United

Nations. And even before the liberation of enemy-occupied countries, United Nations Relief and Rehabilitation Administration was established by 44 nations and began to cope with unprecedented problems of international administration. We possess, further, an impressive body of knowledge on which to draw, growing out of the experience of public and industrial management in different national environments.

Those of us who have worked in the field of administration know that the principles of scientific management are generic in character. That is, they are applicable wherever organized activities are carried on. I have found no support for the contention that international administration is fundamentally different in nature from any other kind of administration. It is always necessary, of course, in transferring administrative experience from smaller to larger enterprises, from one level of government to another, or from one cultural environment to another, to interpret such experience in the light of different conditions.

International administrators need more flexibility—more ability to adjust—than do administrators at any other level. They must attempt a synthesis of the best administrative practices and management experience from all world cultures. They must be aware of the administrative contribution that each country can make, and of the fact that nations must recognize something familiar in the structure, staff, and methods of an international organization in order to feel a sense of participation in it.

III. THE OVER-ALL PROBLEM OF ORGANIZATION AND MANAGEMENT

Looking at the problem of international administration in its broader aspects, we can see some of the complexities in the United Nations structure. The United Nations consists of a General Assembly in which all member countries are represented. This is the nearest equivalent to a general "legislative body."

Next there is the Security Council, consisting of the Soviet Union, China, United Kingdom, France, and the United States of America as permanent members and six other countries elected by the General Assembly for a two-year period. The Economic and Social Council, a principal organ which functions generally under the surveillance of the Assembly, consists of 18 members elected by the Assembly. The Trusteeship Council at present consists of 10 members, some of which participate because of their relationship to trust territories or their permanent status on the Security Council and others of which are elected by the General Assembly.

Then there are other special bodies such as the Atomic Energy Commission, and a number of commissions and subcommissions functioning under the Economic and Social Council. They consist of 12 or more

representatives of national governments. Servicing all of these bodies is the Secretariat, under the direction of the Secretary-General.

Further to complicate the international organization structure, the postwar world demanded that intergovernmental organizations be set up before it was possible to digest fully our war and prewar coöperative experience and work out a unified system. The several specialized agencies which I have mentioned, and certain regional agencies, have been established by separate agreement and have their own governing bodies and secretariats. We must not ignore the fact that the framework of international coöperation is atomistic. If the international structure becomes too cumbersome or expensive, or if its administration is weak or inept, the interest of member nations may wane and the organizations lose their potency.

It is clear that political, jurisdictional, and technical confusion and overlapping will arise among the aggregation of international organizations unless some central focus and strong coördinating influence can be developed and made effective. This is especially true since the various functional agencies appear "program-minded." They were initiated by and received their support from different special interest groups in member nations; their national constituencies espouse commendable ends, but to a much lesser degree comprehend United Nations objectives as a whole and the administrative management means to those ends.

The concept of a national government assumes the conveyance upon government by the citizens of a broad mandate and of the power to enforce that mandate. International organizations have a less stable basis, and there is usually far less political agreement as to general objectives. This is an important distinction. The national administrator can generally count on relatively definite assignments or frames of references and (especially in parliamentary governments) relatively full support from the legislative body. We are not that far advanced in the international field. The administrator here is more frequently confronted with vague directives and compromise agreements, with wide differences of national outlooks, and the possibility of strong minority views. His mandate stems back to the tenuous support of sovereign governments, rather than directly to citizens.

Another major organizational problem is found in the relationships between the executive and the political-policy bodies. With respect to the proper position for the executive in the international organization, we encounter many differences of opinion. Is the chief administrator to operate in the full sense of that title and to develop into a chief executive, or is he to be merely a "chief clerk"? Will he function under the direction of a board standing between him and the general representative body? What controls should be instituted over him?

Granted that no one pattern can be suggested for all international organizations and that no one national viewpoint should be accepted, there is still too little appreciation of the importance of executive leadership in international agencies. The UN Charter represents considerable progress over that of the League of Nations in this respect. The Secretary-General is given implicitly important functions of political as well as administrative leadership. In many of the specialized agencies, the position of the chief administrator is less clear-cut. The establishment of a true executive must, of course, await the attainment of at least some measure of world government.

The constitutions of several of the specialized international organizations provide for an executive board or equivalent body to supervise the administrator between meetings of the general representative body. In two cases, such boards function full time. The frequent need for interim decisions on policy questions can be appreciated, but here we see clearly the dangers in the functioning of such boards. Sometimes, for lack of well defined policy functions, they tend to interfere in the administrative process. Indeed, the question can be raised as to whether it is possible for such a board to be in session full time without impairing the responsibilities of the administrator. Further study and adjustment of this problem will be necessary in the years ahead.

The extent to which the representative body of international agencies "legislates" on administrative matters is a related aspect of this question of executive-representative body relationships. Although international representative bodies are generally vague in their policy decisions, these bodies tend to be far too specific in administrative matters. I am not referring here to the specification of program or policy, but to the prescription in detail of the administrative organization and procedures for carrying out the program. Even in national governments, legislative enactments on administrative matters are seldom suitable for immediate administrative needs, and they inevitably become an obstacle as conditions alter. Organization is never static; it must change ceaselessly to fit evolving political, social, and technical developments and to harness most effectively the participants in it. In international agencies, where representative bodies meet relatively infrequently, administrative flexibility is of the utmost importance.

After considerable debate, the Preparatory Commission and the General Assembly of the United Nations in its first meeting decided that the Secretary-General should be given wide latitude for molding the organization of the Secretariat in a manner he should deem most appropriate in the light of experience. Since then, the tendency has been for delegates to press for adoption of resolutions which would impose on the Secretary-General specific methods for carrying out his duties.

In this connection, mention should be made of a device found in the League of Nations and reinstituted in slightly modified form in the United Nations. This is a standing expert committee on administrative and budgetary matters, responsible to the Assembly—known in the League as the Supervisory Committee, and in the UN as the Advisory Committee on Administrative and Budgetary Questions. The primary function of this committee is to review the budget as prepared by the Secretary-General and to render advice on administrative, personnel, and budgetary questions. This has the great advantage of aiding the national representatives participating in the Assembly to reach an informed decision on the level of broad policy and to avoid detailed instructions to the chief executive.

IV. INTERNAL ADMINISTRATIVE MANAGEMENT

Within the context of the broad problems mentioned above, let us examine how the elements of management are applied to the internal operation of an international secretariat. Although the operations may differ, the environment may require novel approaches, and unusual obstacles may confront him, the international administrator must cope with the same steps and processes as any other executive in developing an effective institution.

Elements of Management. As in any other establishment, the chief administrator of an international agency must plan the program and schedule its work and activities, including sequences and priorities. In this process the representative bodies usually play a larger part in international agencies than in other types of organizations.

In the light of agreed objectives, services, and activities, the administrator plans the form of the organization. This includes the administrative arrangements for (1) the "operating activities," (2) the "executive office," including the "general staff" or "management units" (such as planning, budgeting, and personnel) which serve the administrator in his work of over-all management and direction, and (3) the service or auxiliary activities such as language services, conference services, supply, accounting, communications, files, transportation, legal services, library, reproduction and distribution of documents, etc. In international agencies, many of these services play a more important rôle than in most organizations, since a primary function of secretariats is to arrange and provide services for conferences, committees, and other meetings.

The plan of organization must also provide for any overseas offices and for the arrangements at headquarters to control and service such offices. Another organizational problem is the method of gearing the administration of the agency into that of other international bodies. This is a major concern of the Secretary-General of the United Nations, on whom

must devolve much of the responsibility for making a coördinated structure out of the constellation of agencies comprising the United Nations system.

A companion step to planning the organization is the preparation of the budget. The budget interprets the program and organization in terms of staff, material, and other requirements. Such requirements must be scheduled by purposes and time periods. Plans for financing the budget are a part of this step. During the financial year, the budget process furnishes an important means of control and coördination.

Next, the organization must be staffed with suitable personnel. Staffing is perhaps the most important element of administrative management, and one conducted far too haphazardly in international agencies. Positions must be carefully analyzed and defined and personnel recruited who possess the qualifications required for each position. Employees must be trained and reassigned in accord with demonstrated abilities and needs of the service. Other features of modern personnel management also come into play just as in national or private agencies.

Within the organizational framework, operating procedures, auxiliary services, and administrative controls common to the whole organization, must be designed and put in good working order. Failures in conference services in an international agency may cause serious delays and frictions in conference or committee negotiations.

At the same time, the administrator must arrange for experience data on policy, program, and methods to flow upward to the top of the organization, to be systematically analyzed, and for information concerning new or revised policies, doctrine, and procedure to be disseminated down through the organization. The establishment of work standards, administrative reporting systems, internal and external statistical and other intelligence services, and inspection of work are all necessary to an effective organization.

Establishment of the elements of management leads to the heart of day-to-day administration. Here we see the administrator, aided by his principal operating and management assistants, providing continuous leadership and direction to the organization. As conditions change, he must set new objectives and refinements in programs; direct operations through the budget, reporting, and control processes mentioned above; and coördinate the various segments of the organization in the light of information flowing upward or secured in personal negotiations. He must motivate the organization and effect changes in personnel, organization, and procedure to keep abreast of new programs and improved methods.

A final element in this process of management is the maintenance of the effective external relationships. This is more difficult in international agencies than in national governments, and far more complicated than in

private business. The international administrator is judged by the public within each member-country, as well as by the representative organs to which he is accountable. He must cope with diverse cultures, political aspirations, administrative doctrines, and professional jealousies. Not only the administrator, but his whole staff as well, must develop effective personal contacts with representatives and citizens of governments, with policy organs, the press, radio, the motion picture interests, and with other public and private international organizations. It will be necessary also to plan and conduct a world-wide information program to sell and explain the organization's program as widely as possible.

Administrative and Program Planning. The speed and effectiveness with which the United Nations and the specialized agencies have been established have depended in large measure on the quality of the initial planning of program, organization, and method of operation. Some of the agencies have done relatively well, others not so well. The importance of administrative planning during the early stages of an international organization should be obvious. However, the architects and administrators of some organizations have tended to see only their goals and to be conscious only of the vital need for a particular type of international program and action. Consequently, they often rush into their work without considering the means for execution. They fail to understand the need for continuing analysis of the agency's program and of the organization and management devices by which program review is carried out.

The concept of administrative and program planning, as a general staff function, however, is well established in the U.N. The need for such planning was first emphasized in the report of the Preparatory Commission and in General Assembly resolutions, and since then a considerable amount of planning work has been carried on.

While planning work is necessarily conducted in a number of different places and levels in the U.N. Secretariat and in the representative organs and committees, one unit, the Bureau of Administrative Management and Budget, serves the Secretary-General full time in such work. This Bureau, in consultation with the operating departments, formulates the work program in the light of policies established by the representative organs and prepares the budget. It assists the Secretary-General in the presentation of the budget and in assuring the execution of the program adopted. The major part of its work, integrally related with program development and control, is the development of the internal organizational arrangements of the Secretariat and assistance in devising and installing the various administrative methods and processes. Here we see programming, budgeting, and administrative planning merged to form an effective instrument of management. Unfortunately, many of the specialized agencies have lagged behind the U.N. in the establishment of modern planning and managerial facilities of this type.

The Budget as a Plan. The need for staff facilities for budgetary and administrative planning in the U.N. is generally accepted, but the use of the budget as an executive planning and coördinating device is not fully understood. As is still the case with many national administrators, international executives sometimes regard the annual budget as an unpleasant task necessary to secure funds from the appropriating body, or as a mathematical exercise to be performed by accountants.

The budget through which the chief administrator presents to member nations his concept of the organization's objectives and work program for the ensuing year is an essential step not only in planning but also in establishing the responsibilities and position of the chief executive. In order to present such a budget, the executive must assess the priorities among the many tasks which confront the organization, he must balance and integrate the program in relation to long-time objectives, and he must reconcile internal differences to reach agreement with his staff on the total program.

Up to the present, international organizations have not prepared their budgets in program terms, although they reflect programs. Estimates have been developed in nearly every agency by objects of expenditure for the agency as a whole—personnel, supplies, etc.—and by costs of meetings and conferences. One program item—public welfare services—is included in the U.N. budget for 1947.

Organization. Flexibility in the organizational structure of the international agencies is essential during the formative stages. The tendency to compartmentalize, freeze, and create vested interests in a structure is perhaps stronger on the international level than anywhere else. Representatives of some governments become wedded to traditional plans and techniques. National groups in the secretariat sometimes consciously or unconsciously move to create "pockets" and establish their own particular ideas. Commissions and committees to investigate and report, each in its own functional sphere, tend to demand special administrative consideration. The debates in the United Nations on organization according to functions versus a structure by representative organs are illustrative.

In all international agencies, the question arises as to whether the operating structure should be organized according to subject-matter, function, process, professional fields of personnel required, clientele, geography, or other factors. The organizational analyst in national and private management would be at home here. He must recognize, however, the unusual need for flexibility until a staff morale, a special international spirit, and a strengthened executive can aid in fusing into an operating whole the various ideas of structure.

Of all the organizational issues, the most controversial in international agencies is the arrangement for the "general staff" and common services. The case of the United Nations is in point. The way in which these func-

tions were finally organized differed considerably from the first recommendations of the executive committee of the Preparatory Commission. Many delegates pressed for the establishment of an independent treasury department. Since most of the political representatives were unfamiliar with the "general staff" concept, it was difficult to develop the idea of how such a staff would serve the Secretary-General, and therefore occupy a position in the organization different from that of the operating departments. The compromise solution was to establish the administrative management and budget bureau, personnel bureau, and comptroller's bureau under one assistant secretary-general and to place all conference and general services under another.

Personnel. Of all the problems facing the international administrator, that of staffing the organization and handling its personnel matters is most frequently cited as the one which differentiates management on the international level from national and industrial levels of administration. Two facets of personnel management on the international level give rise to many problems—the need for a competent staff with a supra-national loyalty, and the practical necessity for recruitment of staff on a wide geographical basis. The international administrator, while facing these particular problems, must give more attention than any other administrator to the human factor in his administration; for his staff is less homogeneous.

No matter how sound the organization plan may be, the secretariat will fail to meet its responsibility unless the key officials are persons of outstanding competence, integrity, and good will, who will attract others of equal caliber into the lower ranks. The need for good top leadership is especially important because of the difficulties of fitting together into a working team persons who come from widely diverse political, cultural, and language backgrounds. Here we see familiar management problems placed in new contexts.

Position classification or job analysis work in the U.N. agencies is complicated by the geographical distribution problem and the difficulty of fitting persons with diverse backgrounds and national sensitivities into a fixed hierarchy. Thus the classification plan must be planned in broad terms with special efforts made to fit personnel into posts for which they are found most suited. The establishment of salary scales and other emoluments calls for expert study and judgment. Salaries must be related both to prevailing rates in the headquarters area and to practices in diverse national settings. Various allowances are required to meet the special conditions of expatriation and of installation in a new environment. Adequate retirement and disability arrangements, leave, and other conditions of service must be established on a systematic basis.

The U.N. and some of the specialized agencies recognize these aspects of modern personnel management, and in several instances are establishing

adequate personnel offices. A major problem will be to get the operating officials to recognize their rôle in personnel administration and to carry out their part of the job in a progressive and effective manner.

V. DEVELOPING A SUITABLE BODY OF NATIONAL AND INTERNATIONAL OFFICIALS

We must develop rapidly a large and widely distributed body of competent administrators and management advisors if suitable progress is to be made on all the three fronts required for effective international collaboration. Able persons of this type are essential in developing a better structure for international negotiation, particularly as we look toward world government on an increasing scale. They are necessary in the establishment of well-administered secretariats. And the participation of national governments on a satisfactory basis in international agencies calls for a higher quality of national administration.

International agencies and national bodies should take aggressive steps to train administrative persons and to develop opportunities for exchange of staff. Many possibilities exist within individual international agencies for the training and development of able administrators. By linking the personnel programs of the U.N. and the specialized agencies, transfers or loans of staff between these agencies would be facilitated.

On the other hand, the United Nations has already resolved that "officials from national service should be enabled to spend a short period . . . in the Secretariat so that personal contacts between the Secretariat and national administrators may be strengthened and a body of national officials with international experience created." This is a desirable step. Of even greater importance, however, is a wide-scale exchange of administrative officials between nations. The United Nations Educational, Scientific, and Cultural Organization is considering a program to further the interchange of knowledge, skills, and personnel in the field of governmental administration, and to perform such other clearing-house activities as would give each country the latest information on the organization and management of public enterprises. Not only would governments gain in efficiency, but mutual understanding among officials would be greatly furthered.

Few groups are more important than the administrators of government programs in developing sound attitudes between nations and between different interests in each country. Anything that can be done to produce friendly understanding on the part of this group represents a vital step forward in the establishment of a good climate for international coöperation.

The exchange of persons, ideas, and experiences across national borders between public officials and others interested in management is for the

most part still rudimentary. The beginnings that have been made, however, have been carried on at small expense, and they have been arranged and administered with ease. The programs are yielding results far in excess of their costs measured in terms of the establishment of more effective agencies of government, the development of a systematic approach to administrative reform, more effective management methods, and a new understanding of the problems of international collaboration. International agencies are now benefiting from staff whose abilities have been developed through such exchange.

Finally, anyone concerned with the development of qualified management personnel with broader vision for both national and international administration can see a challenge to the colleges and universities. Stated simply, the closer integration of the world demands the training of more management personnel with a background of study in international affairs and, conversely, the training of more international affairs specialists to appreciate and comprehend the essentials of good management.

The need for a greater understanding of the application of scientific management principles to international organizations, and for the development of a body of trained international administrators who can apply these principles, constitutes a major problem of this contracting world.

POST-WAR POLITICS IN JAPAN, I*

I. THE JAPANESE DIET UNDER THE NEW CONSTITUTION**

JUSTIN WILLIAMS

Chief, Legislative Division, Government Section, SCAP

From the standpoint of the national legislature, the constitution of Japan which became effective on May 3, 1947, contains the following significant reforms: (1) popular sovereignty replaces the sovereignty of the emperor; (2) the Diet is the chief branch of government; (3) an elected House of Councillors supersedes the House of Peers; (4) the cabinet is responsible to the Diet; (5) the "invisible government" of crown agencies is abolished.

The preamble to the new constitution begins: "We, the Japanese people, acting through our duly elected representatives in the National Diet . . . , do proclaim that sovereign power resides with the people." As for the once sacred and inviolable emperor, he does "not have powers related to government,"¹ but functions merely as "the symbol of the state and of the unity of the people, deriving his position from the will of the people with whom resides sovereign power,"² performing, "with the advice and approval of the cabinet," only such acts as promulgating laws, convoking the Diet and dissolving the House of Representatives, proclaiming general elections, attesting the appointment of officials, and awarding honors.³

Pursuant to the principle of popular sovereignty, the Diet ranks first among the branches of government. Consisting of the House of Representatives and the House of Councillors, the members of which are elected by and representative of all the people, the Diet "shall be the highest organ of state power, and shall be the sole law-making organ."⁴ Executive power is invested in a cabinet "collectively responsible to the Diet"⁵ and headed by a prime minister "designated from among the

* Planned and arranged by Harold-S. Quigley, University of Minnesota. Lack of space has unfortunately made it necessary to divide this group of articles between the October and December issues. The contributions to be published in December are: Harry E. Wildes, "Underground Politics in Postwar Japan," and Justin Williams, "Party Politics in the New Japanese Diet." *Man. Ed.*

** Nothing contained in this article is to be construed as in any sense official.

¹ Constitution of Japan, Art. 4. For an appraisal of the old and new constitutions, see H. S. Quigley, "Japan's Constitutions: 1890 and 1947," in this REVIEW, Vol. 41, pp. 865-874 (Oct., 1947).

² Art. 1. ³ Art. 7.

⁴ Art. 41. Membership in the House of Representatives remains at 466; of the 250 Councillors, 100 are elected at large and 150 on a prefectural basis. The defunct House of Peers had 407 members in 1946.

⁵ Art. 66.

members of the Diet by a resolution of the Diet."⁶ The crippling financial limitations imposed upon the Diet by the Meiji constitution have been removed and the principle established that the nation's finances are administered "as the Diet shall determine."⁷ No money can be expended, nor can the state obligate itself, unless so authorized by the Diet.⁸ The cabinet prepares budgets and submits them to the Diet for consideration and final decision.⁹ The Diet at its discretion may authorize a reserve fund for the use of the cabinet, but expenditures must subsequently be approved by the Diet.¹⁰ Exclusively vested in the Diet is the power to levy new taxes or to modify existing taxes.¹¹ All imperial household property has become the property of the state, and expenses for the imperial household are appropriated annually in the budget.¹² Absolute control by the Diet of every aspect of national policy is limited only by the power of the Supreme Court "to determine the constitutionality of any law, order, regulation, or official act."¹³ The successor to the old *gikai* has assumed the policy-making powers once exercised by the cabinet, privy council, military boards, elder statesmen, imperial household ministry, senior statesmen, and the imperial conference. The cabinet may issue cabinet orders, not, however, as imperial ordinances were formerly issued, but only for the purpose of executing the provisions of the constitution and of laws enacted by the Diet.¹⁴ The method of amending the constitution has been simplified, requiring only a two-thirds vote of each house and subsequent ratification by a majority of the voters.¹⁵

Passage of the Diet Law. The Diet Law, superseding Ito's Law of the Houses, received the "consent of the Imperial Diet" on March 19, 1947, and on April 28 was promulgated by the emperor, countersigned by all cabinet ministers, and approved by the privy council—in accordance with Articles 6, 55, and 56 respectively of the Meiji constitution. The usual order of promulgation reads: "I hereby give my sanction, with the approval of the Privy Councillors, to the Diet Law for which the concurrence of the Imperial Diet has been obtained, and cause the same to be promulgated."¹⁶

The Diet Law alone, of all the laws supplementing the new constitution, was drafted and introduced, not by the Government, in accordance with time-honored procedure, but by the House of Representatives, without the approval of the cabinet or the collaboration of the House of Peers. In all particulars, it was a piece of legislation initiated by and expressing the will of the only agency in the national government (before May 3, 1947)

⁶ Art. 67. A majority of the cabinet must be Diet members. Art. 68. The first cabinet under the new constitution was composed of 16 Representatives, including the prime minister, and one Councillor.

⁷ Art. 83.

⁸ Art. 85.

⁹ Art. 86.

¹⁰ Art. 87.

¹¹ Art. 84.

¹² Art. 88.

¹³ Art. 81.

¹⁴ Art. 73.

¹⁵ Art. 96.

¹⁶ *Official Gazette*, Apr. 30, 1947.

representing the people. Accurately stated, the emperor, the cabinet, the privy council, and the House of Peers gave their consent to a law originating in the House of Representatives.

Employing the Oriental metaphor of power, Bando Kotaro, veteran Representative who assisted in drafting the Diet Law bill, declared: "If we assume that the new constitution is a dragon, we can say that the Diet Law is its eyes."¹⁷ The genesis of this democratically drafted measure was explained to the House of Representatives Special Committee on the Diet Law bill by Chief Clerk Oike Makoto as follows:¹⁸

"With the establishment of the new constitution, the supplementary law known as the Diet Law was to be enacted for governing the procedures of the National Diet. This task placed a heavy responsibility on the House itself for formulating a democratic law. On the one hand, the Government appointed the Special Provisional Legislative Investigation Committee to revise the Law of the Houses, and on the other hand, the House of Representatives commissioned twenty of its members, representing all parties, to do the same work. The first meeting of the House group was held on July 6, 1946. Throughout the remainder of the hurried Diet session, the members carried on vigorous debates and drafted a Diet Law bill consisting of 19 chapters. On the basis of this draft, codification of the bill was taken up in earnest following the close of the Diet session on October 12. Each member freely expressed his opinions and deliberated upon all articles with great seriousness. At ten or more of these meetings, to which numerous government experts were invited, discussions were carried on in a spirit of harmony, with the result that this final draft received the approval of all twenty members of the House committee. Government Section of GHQ rendered every assistance throughout this period, supplying us with the Legislative Reorganization Act of 1946 as passed by the United States Congress, encouraging the committee to frame a genuinely democratic Diet Law, and offering suggestions on numerous occasions for increasing the authority of the National Diet, for which the entire membership of this committee is most grateful."

At the conclusion of two days of vigorous debate, December 19-20, the bill was unanimously approved in committee. Coöperative Democrat Uda Kuniei said: "Following the spirit of the history-making constitution, we

¹⁷ House of Representatives, 91st Session, Special Committee on the Diet Law Bill, *Proceedings*, No. 1, Dec. 19, 1946. The bill was drafted and proposed by 21 members, including the speaker and vice-speaker. Upon introduction, it was referred to a special committee of 36 members, six of whom had aided in framing it. Among the members who drafted the bill, together with their status at the installation of the Katayama cabinet in June, 1947, were Ashida Hitoshi, Democratic party president and minister of foreign affairs; Mizutani Chosaburo, Social Democrat, minister of commerce and industry; Ono Banboku, secretary-general of the Liberal party; Tanaka Manitsu, Democrat, vice-speaker of the House of Representatives; Tokuda Kyuichi, secretary-general of the Communist party; Matsumoto Takizo, People's Coöperative, parliamentary vice-minister of foreign affairs; Satake Haruki, Social Democrat, parliamentary vice-minister of justice; Bando Kotaro, Democrat, chairman of the Standing Committee on Local Government; Inoue Tomoharu, Democrat (former vice-speaker); and Yamazaki Takeshi, Liberal (former speaker). The last-named, a member of the lower house for over 25 years, encouraged the Investigation Committee to break new ground in writing the Diet Law.

¹⁸ *Ibid.*

members of the House of Representatives have drafted this Diet Law bill. In studying the entire measure, clause by clause, we of the Coöperative Democratic party find it truly democratic and, in addition, endowed with authority. Therefore, we heartily approve this proposal." Hosono Michio, speaking for the Social Democratic party, said: "I approve this bill. It contains some unsatisfactory points, but, after all, these have to do with operations. Since Diet members will carry out this law, let us correct any faults that may be found from its actual operation."

Similar comments were made by spokesmen for the Liberal, Democratic, People's, and Communist parties.¹⁹ The House of Representatives passed the Diet Law bill without a dissenting vote on December 21, 1946, and immediately sent it to the House of Peers.²⁰

Before the bill was referred to committee in the House of Peers, Sasaki Soichi, a member, was granted permission at the plenary session on December 22 to interpellate the Government. His first question and comment were:

"Why did not the Government itself draft and present this Diet Law bill? The Government should have drafted it as a matter of course, in accordance with the imperial constitution which is still in force. In cases of such importance as the Diet Law bill, it has been customary for the Government to take the initiative."²¹

State Minister Uehara Etsujiro replied:

"The argument is plausible that the Government should have introduced it. In fact, the Government had at first intended to draw up a bill following deliberations of the Cabinet Legislative Investigation Committee and submit it to the two Houses for approval, but, in the meantime, the Speaker of the House of Representatives reminded us that inasmuch as the Diet Law would govern the future operation of the House of Representatives and the House of Councillors, it behooved the House of Representatives to formulate the draft and introduce it in the Diet. The Government quite agreed with the Speaker on this point, for under the new constitution the Diet Law will be operated by the two Houses rather than by the Government, and it will be more in accord with the spirit of the new constitution to entrust the task to the first chamber."²²

Mr. Sasaki's second point:

"I wonder if it is necessary to have the National Diet Law enacted during the extraordinary session, which will close in two or three days. The purpose for which the National Diet Law bill has been drafted is substantially different from that for which the Law of the Houses was drafted. For this reason, I think that the House of Peers, which has for a long time been acting in conformity with the Law of the Houses and which has fully clarified the purpose of the Law, will also have to de-

¹⁹ *Ibid.*, No. 2, Dec. 20, 1946. Committee arguments centered mainly upon the secretary-general as a House official, introduction of a bill by a single member, public hearings, and qualified specialists for committees.

²⁰ *Official Gazette*, extra, Dec. 22, 1946, p. 6.

²¹ *Ibid.*, Dec. 23, 1946, p. 2.

²² *Ibid.*, p. 3. Uehara, Liberal, graduate of the University of Washington and London University, previously served nine terms in the House of Representatives.

liberate upon the Diet Law bill as a new one substantially different from the old one. I think it very difficult for our House to finish the task in two or three days."²³

Uehara answered:

"The House of Councillors bill passed by you is now before the House of Representatives and will most probably meet with its approval. The new constitution, as all of you know, will come into force on the 3rd of May next and the Government is anxious to see the House of Councillors in working order before that date. If the two Houses are to deliberate in conformity with the spirit of the new constitution, the present Law of the Houses will be found inadequate. It is therefore most desirable that before the House of Representatives and the House of Councillors coördinately enter upon deliberation of state affairs in the name of the Diet, the Diet Law be ready for enforcement. Though it makes a voluminous code, to those who have ripe experience like you in pushing through legislative business, and who are fully acquainted with the spirit of the new constitution and of the prospective Diet Law, it will be no great difficulty to dispose of the bill in two or three days."²⁴

At this point, Uehara took occasion to voice a sharp protest against an unwarranted restriction placed upon the Diet by the Meiji constitution:

"The bill, as already alluded to, is a law project introduced by the other House. When a measure introduced by one of the two Houses is passed and sent up to the other, the latter is denied an opportunity under the current Law of the Houses to hear an explanatory statement by its authors in the former. This fact has made for a great deal of inconvenience and disadvantage to both Houses by hindering smooth progress of proceedings on the bill. This shortcoming has been rectified in the new constitution, but under the constitution in force today no remedy can be found for it. It is highly regrettable that this House will have to endure such inconvenience in reviewing so important a bill. To alleviate such inconvenience in a degree, the Government suggests that before formally opening committee meetings on the bill, this House may find it advisable to invite either its authors or the Speaker and Chief Clerk of the other House that they might give you comments or answers to questions about the spirit underlying the bill, the object of each article, and the viewpoint of the lower House as a whole."²⁵

Three days later, on the final day of the 91st Diet Session, the Peers committee killed the Diet Law bill by refusing to report it out, justifying its action by the limited time allowed for deliberation.²⁶

Without debate, the House of Representatives on February 21, 1947, again introduced and unanimously passed the original Diet Law bill²⁷ and sent it to the House of Peers, where it was approved with a dozen or more minor amendments on March 18. Hashimoto Jitsuhi, chairman of the House of Peers committee, said in his report to the House: "The length of time devoted to the study of this bill is almost unprecedented." Otherwise his report revealed that the Peers' coolness toward the bill and its framers

²³ *Ibid.*, pp. 3-4.

²⁴ *Ibid.*,

²⁵ *Ibid.*

²⁶ *Yomiuri Shimbun*, Dec. 26, 1946. The Peers also resented Uehara's ungracious manner, the fact that the Representatives sponsored the bill, and the refusal of the latter to agree to amend Article 84 permitting the Councillors as well as the Representatives to request a joint committee. *Ibid.*

²⁷ *Official Gazette*, extra, Feb. 22, 1947, p. 2.

had not changed since the previous December.²⁸ Next day, the House of Representatives accepted the amendments and thereby gave Diet "consent" to the Diet Law.²⁹

Diet Law Provisions. The Diet Law contains 132 articles, of which 48 were taken verbatim from the imperial Law of the Houses, two from the Meiji constitution, and four from the old Regulations of the House of Representatives. Since these articles concern members' qualifications, resignations and leaves, police protection, and other routine matters common to all legislative assemblies, no further mention need be made of them. Of the remaining 78 articles, 41 were also extracted from the Law of the Houses and the Meiji constitution, but radically altered or completely reversed in meaning, leaving a total of 37 original articles.

A number of antiquated and odious practices and procedures formerly imposed upon the Diet are omitted from the Diet Law. Most important omissions are the following: (1) division of the Houses into sections; (2) committee of the whole house; (3) three readings of a bill; (4) prorogation of the Houses; (5) requirement that subjects and schedules of Diet committees be reported in advance to the Government; (6) addresses to the throne and representations to the Government; (7) restrictions on petitions; (8) remarks by Diet members implying disrespect for the imperial house. The word "emperor" appears nowhere in the Diet Law, while the expressions "imperial rescript"³⁰ and "throne" are used only in connection with convocations, promulgation of laws,³¹ and nomination of the prime minister.³²

The 41 radically changed provisions of the Law of the Houses and the Meiji constitution incorporated in the Diet Law have as their primary aims removal of all restrictions on and increase in the dignity and prestige of the Diet and recognition of the primacy of the House of Representatives.

The name of the national legislature is changed from "Imperial Diet" (*teikoku gikai*) to "National Diet" (*kokkai*). By setting convocation of the ordinary session within the first ten days of December,³³ the Diet Law eliminates the former custom of opening the Diet in late December immediately prior to the traditional month-long New Year holiday, which in effect reduced the term of the session from three to two months. Since the Japanese fiscal year ends on March 31, the new convocation date allows budget committees a maximum of about three months, exclusive of the New Year holiday, for examining the annual budget. Henceforth, the speaker of the House of Representatives, rather than the president of the House of Peers, will preside over the joint assembly of the Houses at the

²⁸ *Ibid.*, Mar. 19, 1947, pp. 21-24.

²⁹ *Ibid.*, Mar. 20, 1947, p. 2.

³⁰ Diet Law, Arts. 1, 5.

³¹ Arts. 65, 66.

³² Art. 65.

³³ Art. 2.

opening ceremony,³⁴ to which the emperor will be invited, although the Diet Law is silent on the subject. The latter point is unimportant inasmuch as convocation, not the opening ceremony, as in the past, authorizes the Diet to function.³⁵ The term of the ordinary session is increased from three to five months,³⁶ while the term of a special session is fixed by the Houses.³⁷ The extension of a session is no longer determined by imperial order, but by decision of the Houses, the wishes of the House of Representatives prevailing in case of disagreement.³⁸ Chairmen and vice-chairmen, as well as secretaries-general, are now elected by members of the respective Houses, thus completely eliminating the former prerogatives of the emperor and cabinet to appoint them.³⁹

Under the new dispensation, "Expenditures of each House shall be appropriated independently in the national budget . . . and shall include a contingent fund."⁴⁰ This release from the stranglehold of the finance ministry was the occasion for rejoicing among members of both Houses. During committee deliberations on the Diet Law bill in the House of Peers, Okochi Kiko asked: "What is meant by 'expenditures of the Houses shall be appropriated independently in the national budget'?" He then commented:

"Reductions of Diet expenditures by the finance ministry in the past were unreasonable The Diet and persons connected with the Diet should be treated like human beings Heretofore the government desired to have members loaf on the job as much as possible so as to prevent them from being active in the affairs of the Houses. It was a common practice to have no lights at night Even if the House of Peers Journal did get to our hands, it was a lot of bother and was just as good undelivered If we did not appear for work there were no objections raised If the Diet members fail now to receive treatment due to human beings, there will be no chance for democratic government."⁴¹

State Minister Uehara advised Okochi to put his mind at ease:

"Once the constitution is enforced," he said, "there will be no need to worry about these points If part of the budget is appropriated by the finance ministry as at present, the Diet cannot function freely. If past conditions should prevail, permitting the budget to be modified by the bureau of accounting of the finance ministry, the Diet, which is to be the central organ, would lose its power to conduct the affairs of the government The Diet must have the right to establish its own budget An independent budget for the legislature of the nation has great significance For the first time, we have reached a point where good democratic government is possible."⁴²

Instead of the low salaries grudgingly paid in the past by a paternalistic government, members now receive an annual stipend "not less in amount

³⁴ Art. 9.

³⁵ Arts. 8, 14.

³⁶ Art. 10.

³⁷ Art. 11.

³⁸ Arts. 12, 13.

³⁹ Art. 16.

⁴⁰ Art. 32.

⁴¹ House of Peers, 91st Session, Special Committee on the Diet Law Bill, *Proceedings*, No. 2, Dec. 23, 1946.

⁴² *Ibid.*

than the highest pay for government officials in general,"⁴³ that is, not less than vice-ministers. Moreover, a retirement allowance is provided for members at the end of their Diet service,⁴⁴ permitting them, as one member said, to "concentrate on state business and lead the people, free from the anxieties of family affairs."⁴⁵

The Houses are no longer shackled by the Government. The cabinet cannot withdraw or amend a Government bill already on the agenda of either House without the consent of the House concerned.⁴⁶ It cannot compel the Houses to hold closed sessions. Bills to be promulgated are now reported to the throne through the cabinet by the speaker of the House of Representatives, who also communicates to the throne the nomination of the prime minister.⁴⁷ Although the constitution authorizes a minister of state to speak at any time in either House,⁴⁸ the Diet Law requires him before doing so to notify the House chairman.⁴⁹ The cabinet is required to report to the Houses annually on the disposition of petitions submitted to it.⁵⁰ The Government cannot deny the request of either House for documents and reports, even secret ones, and "the cabinet and the ministries must send copies of their publications to the Diet library" and to Diet members when deemed necessary by the Diet library management standing committees.⁵¹

In other major respects, this law frees the Diet from government domination. Explaining the Diet Law bill upon its introduction in the House of Representatives on December 18, 1946, Tanaka Manitsu said: "None of the regulations found everywhere in the imperial Law of the Houses giving priority to the Government has been retained; those regulations have been completely eliminated."⁵² The government practice of appointing Diet members to government positions is modified by the stipulation that such appointments must be provided for by law.⁵³ Designed to permit reconsideration by the Diet of the system of parliamentary vice-ministers, councillors, and secretaries, inaugurated in 1924 by the cabinet for the purpose of controlling key Diet members by naming them to government posts, this proviso could not be fully implemented until Article X of the Law of Election, which authorized these appointments, was amended.⁵⁴ The government practice of selecting bureaucrats, sometimes as many as 180 for a single session, to represent the various ministries in Diet plenary

⁴³ Diet Law, Art. 35.

⁴⁴ Art. 36.

⁴⁵ Speech of Tanaka Manitsu explaining the Diet Law bill in the House of Representatives, *Official Gazette*, extra, Dec. 19, 1946. pp. 1-5.

⁴⁶ Diet Law, Art. 59.

⁴⁷ Art. 65.

⁴⁸ Constitution, Art. 63.

⁴⁹ Diet Law, Art. 70.

⁵⁰ Art. 81.

⁵¹ Arts. 104, 105.

⁵² *Official Gazette*, extra, Dec. 19, 1946, p. 2.

⁵³ Diet Law, Art. 39.

⁵⁴ First included in the Election Law of 1925, Art. X remained intact, unnoticed by most Diet members, when that law was revised in Mar., 1947, a few days after the enactment of the Diet Law. It was repealed on Apr. 7, 1948.

sessions and committee meetings is now checked by the requirement that such government delegates must first be approved by the presiding officers of the Houses.⁵⁵ Diet committees can now request the presence of Board of Audit officials at their meetings, a practice denied them by the Meiji constitution.⁵⁶

Innovations in the Diet Law. Having eliminated or altered those articles of the Law of the Houses which degraded the Diet and subjected its members to preposterous discourtesies and insults by government officials, the framers of the Diet Law equipped the Diet with a number of new aids, devices, and facilities essential to a modern legislative body. Members for the first time receive allowances "for posting documents and communications of an official character."⁵⁷ A novel idea in Japan, the franking privilege was heretofore reserved to government officials. Also calculated to increase both the prestige and efficiency of Diet members is the provision for furnishing each member an office and one clerical assistant at state expense.⁵⁸ In the past, members had only such office space and clerical help as their respective political parties could afford. The Diet library and the bill-drafting and reference service called for by the Diet Law will fulfill a need, explained Tanaka, which has "hitherto been repeatedly emphasized by our predecessors."⁵⁹

Replacing the committee of the whole house, never used during 57 years of the Diet under the Meiji constitution, is the system of "free discussion" under which each House must meet at least once every two weeks during Diet sessions to discuss state policy or other matters. The presiding officer sets a time limit on speeches; a subject under discussion, upon motion of a member, may be put to a vote of the House.⁶⁰

"It is by no means an exaggeration to say," declared Tanaka Manitsu, "that under the existing law we members of the Diet have had practically no chance to express our views unless we participated as members of the budget committee. It is indeed a matter for profound regret that the Diet has fallen short of its name as the 'seat of public opinion.' However, by the system of free discussion, it is expected that this weakness of the Diet will be greatly rectified. Members will be enabled freely to express their views and opinions on whatever problems they desire to take up. They may be questions to the cabinet or expressions of views either of the speakers or the party to which they belong. By this system, questions deviating from the problem under discussion as practiced now in the budget committee meetings will no longer be necessary, enabling this committee to revert to its proper function."⁶¹

The best features of the interpellation system have been retained and liberalized. With just cause, any member may, upon approval of the

⁵⁵ *Official Gazette*, extra, Dec. 19, 1946, p. 4.

⁵⁶ Diet Law, Art. 72; Meiji constitution, Art. LXXII. The government submitted Board of Audit reports to the Diet.

⁵⁷ Diet Law, Art. 38. ⁵⁸ Art. 132.

⁵⁹ Art. 130; *Official Gazette*, extra, Dec. 19, 1946, p. 5.

⁶⁰ Diet Law, Art. 78. ⁶¹ *Official Gazette*, extra, Dec. 19, 1946, p. 4.

House chairman; question a cabinet minister or his delegate; should the chairman object, the member may appeal to the House. If the House turns down the request, the purport of the member's interpellation must nevertheless be entered in the record. A cabinet minister may, as he ordinarily did in the past, make a brief and meaningless reply to a member's interpellation, but only at the risk of having his answer debated and put to a vote of the House upon motion of a member.⁶²

The method of handling bills has been changed. Any member, as well as the Government (whose bills no longer take precedence over member bills), introduces a piece of legislation by simply handing it to the House chairman, who refers it directly to the appropriate standing committee.⁶³ It was customary in the past for the introducer of a bill—almost always the Government—to explain it in plenary session at the time of its introduction, after which various members delivered set speeches or harangues, concluding them with one or more questions directed at the introducer. This was called interpellation, the main purpose of which was to embarrass the Government. There is no rule now against having bills thus treated, but the practice will not be used unless the House specifically requests it in connection with a particular bill. Instead, "urgent" interpellations may be made as occasion arises.⁶⁴ Excepting those transmitted from the other House, bills die if the committee to which the House chairman refers them decides not to report them out, providing, however, that within seven days of the committee's announced decision 20 or more members may demand that a bill be brought to the floor of the House.⁶⁵ In order to discourage the offering of numerous unimportant amendments, a motion to amend a bill reported out of committee must be supported by 20 members.⁶⁶ If a member bill is passed by one House, the author may explain the bill in the other House upon its introduction there,⁶⁷ a right previously reserved to the Government. For speeding up the legislative process, a Government bill introduced in one House must within five days be submitted to the other House for preliminary examination.⁶⁸

⁶² Diet Law, Art. 77.

⁶³ Art. 56. "Mr. Yamaguchi Kikuichiro: 'I wish to make an urgent motion for a change in the Order of the Day. That is, I move that the fifth item . . . be taken up now and its deliberation be proceeded with.' The Speaker: 'Is there any objection . . . ?' 'No objection!' is voiced. The Speaker: ' . . . The Government has agreed to this change And so the Order of the Day is changed accordingly. We will hold the First Reading of the fifth item . . . the bill for the Diet Law'." *Official Gazette*, extra, Dec. 19, 1946, p. 1. The first four "items" were Government bills!

⁶⁴ Diet Law, Art. 76.

⁶⁵ Art. 56. In the United States House of Representatives, a majority (218) of the total membership must make a similar demand in order to force a bill out of committee.

⁶⁶ Art. 57.

⁶⁷ Art. 60.

⁶⁸ Art. 58.

The most significant part of the Diet Law, the chapter dealing with standing committees, parallels in several important respects the United States Legislative Reorganization Act of 1946.⁶⁹ The system of standing committees more than anything else differentiates the Japanese House of Representatives from the British House of Commons and gives the Diet a strong resemblance to the United States Congress. Whether the Diet becomes "the highest organ of state power and the sole lawmaking body" or continues to pursue its historic rôle as a mere discussion group will depend, in the last analysis, upon the degree to which the standing committees use the powers conferred upon them and the skill with which they employ the new legislative aids and devices. Twenty-one standing committees are set up in either House, one for each major field of jurisdiction, such as foreign affairs, budgets, audit, commerce, transportation, education and labor, plus steering, library, and disciplinary committees.⁷⁰ Each member of the Diet must be appointed to at least one of these committees, but to no more than three, and once appointed he may serve throughout his term, six years in the House of Councillors and a maximum of four years in the House of Representatives.⁷¹ Standing committee chairmen are elected by the Houses;⁷² special committees elect their own chairmen.⁷³ Membership in both standing and special committees "shall be allotted in proportion to the numerical strength of political parties or groups in the respective Houses."⁷⁴ Whereas under the Law of the Houses the rule against outsiders attending committee meetings was approved and rigorously adhered to by a majority of Diet members, hearings are now open to the public except when a committee votes to hold a secret meeting.⁷⁵ In the past, a minority report was not permitted unless at least one-third of the members of the committee disagreed with the majority position, but now any member is privileged to make a minority report.⁷⁶ In view of the bitter fight waged by the House of Representatives in the 1930's to establish a permanent lower house committee, only to be defeated by the House of Peers, it is interesting to note that the Diet Law allows standing and special committees to "examine matters entrusted to them only during the term of a session," but at the discretion of the respective Houses one or even all committees may be authorized to conduct investigations between sessions,⁷⁷ thus making it possible, after all, said Tanaka, "to achieve the objective . . . which has been maintained by the House of Representatives for years."⁷⁸

In addition to the aids mentioned above, "each standing committee shall be provided at least two qualified specialists who are not Diet members, and an adequate number of secretarial assistants, all of whom

⁶⁹ Pub. Law 601, 79th Cong., enacted Aug. 2, 1946.

⁷⁰ Diet Law, Art. 42.

⁷¹ Art. 41.

⁷² Art. 25.

⁷³ Art. 45.

⁷⁴ Art. 46.

⁷⁵ Art. 52.

⁷⁶ Art. 54.

⁷⁷ Art. 47.

⁷⁸ *Official Gazette*, extra, Dec. 19, 1946, p. 3.

shall . . . receive adequate remuneration and shall not be otherwise employed. They cannot occupy any post in the administrative branches of the government for two years following their resignation from a standing committee."⁷⁹ Inherent in this plan is the development of a Diet bureaucracy, but to the extent that it provides technicians, working for and not against the legislative branch, who can match and offset government officials, it will be an advantage to the inexperienced Diet membership.

Popular participation in the lawmaking process is permitted by empowering committees to "conduct open hearings on important questions of popular concern or public interest in order to hear the views of interested parties and persons of learning and experience."⁸⁰ Two or three members of the special committee on the Diet Law bill entertained grave doubts about this new device. Public hearings, one of them protested, "in a way may seem to be a progressive rule, but I am absolutely against having experienced scholars or interested persons attend our meetings, especially when the subject concerns bills for budgets or incomes. It is fine for us to have party members attend and give us their opinions on certain subjects . . ." ⁸¹

Another member of the committee agreed that while "it is only natural for each Diet member to try to gain all kinds of knowledge in every possible way . . . there is a great difference between a Diet member acting on his own and the entire House of Representatives setting up a public hearing system . . . I think that this is very radical in the sense that the general public is able to participate in legislation."⁸²

No member objected to the provision authorizing each House to "dispatch its members for purposes of examination and investigation,"⁸³ a strange, new power which will aid the Diet in formulating and supervising state policy. With the power also to "summon witnesses to testify in connection with legislative matters and the investigation of national affairs,"⁸⁴ standing committee members can ultimately become as expert in their respective fields as government officials.

The Diet Law creates an agency called the Legislative Committee of the Houses, composed of 10 Representatives and 8 Councillors, whose func-

⁷⁹ Diet Law, Art. 43.

⁸⁰ Art. 51.

⁸¹ Asanuma Inejiro, Social Democrat, House of Representatives, 91st Session, *Proceedings*, No. 1, Special Committee on the Diet Law Bill, Dec. 19, 1946.

⁸² Kimura Kohei, Liberal, *ibid.*, No. 2, Dec. 20, 1946. This subject "was the most discussed provision" during the drafting of the Diet Law bill. Chief Clerk Oike, *ibid.*

⁸³ Diet Law, Art. 103.

⁸⁴ Art. 106.

tion is to, "make recommendations to the Houses and the cabinet concerning the introduction of new legislation, existing laws, and cabinet orders; it shall also investigate and study the Diet Law and other regulations of the Houses and make recommendations to the Houses for their revision." With reference to interim sittings and permanency of membership, the regulations governing standing committees apply equally to the Legislative Committee of the Houses.⁸⁵ Should friction arise between the more powerful House of Representatives and the newly established House of Councillors, or between the Diet as the highest organ of state power and the cabinet elected by and responsible to the Diet, the Legislative Committee of the Houses, the only permanent joint committee in the Diet and the only committee capable of rising above the turmoil of party politics and factionalism, may advance an acceptable solution before serious damage is done. That the Committee has only advisory powers should give its decisions more weight than if it had compulsory powers, since reliance solely upon persuasive influence is not likely to engender Diet and cabinet antagonism based on jealousy. A committee of this nature has not been tried elsewhere on a national scale.

Conclusions. There is little resemblance between the old *gikai* and the new *kokkai*. The former was a discussion club characterized by impotency; the latter is the chief organ of government endowed with authority. Although the switch from one to the other will not be effectuated overnight, the transitional process will begin immediately and gain momentum rapidly; legislatures, like other agencies of government, are wont to exercise their powers to the utmost extent.

A number of factors will plague the new Diet and have a bearing upon its ultimate success. In addition to tackling the serious economic problems resulting from the war, Japan's freshman legislators who constitute a large majority in both Houses must wrestle with a blueprint of government which bristles with Western concepts and procedures. Will the untutored masses encourage and support their representatives in both these endeavors? Can the cesspools of corruption called political parties be cleaned up and forced to serve the national interest in preference to the narrow interests of the individual bosses? Will the still powerful bureaucracy continue, within the framework of the new order, to undermine the people's confidence in parliamentary government and to use Diet members as cat's paws? These matters, no less than broad constitutional powers and adequate legislative machinery, will determine the character of representative government in Japan.

⁸⁵ Arts. 99, 100, 101.

II. PRE-WAR POLITICAL INFLUENCES IN POST-WAR CONSERVATIVE PARTIES*

KENNETH E. COLTON

Research Analyst, GHQ, SCAP

In normal times and as to normal countries, the study of the continuity of political party life would be of interest mainly to the political scientist. But these are not normal times, and Japan today is not a normal country. In 1948, the subject holds far more than academic interest, and it is intimately affected by the supervision of Japanese administration by the Allied Powers.¹

Allied policy affecting the continuity of political influence is shown in the famed "purge directive" of January 4, 1946, known as SCAPIN 550, "The Removal and Exclusion of Undesirable Personnel from Public Office." This article, however, is not concerned with that directive but with the character of the pre-war political influence that remains after the purge has cut out affected elements.² It is concerned with the element of pre-war political leadership present in the founding of the two major post-war conservative parties, the effect of the purge directive upon their leadership, their organizational and institutional character, the political influence of governmental bureaucracies, and the problem of party finance. Finally, attention is given to the possibility of a merger of the pre-war elements into one post-war organization.

The two conservative parties contending for political supremacy today are the Democratic-Liberal party (*Minshu Jiyu-to*), and the Democratic party (*Minshuto*), respectively the direct lineal descendants of the Liberal party (*Jiyuto*) and the Progressive party (*Shimpoto*), both of which were organized in November, 1945. Of the two parties today, the Democratic party's much milder conservatism places it closer to the political center than to its rival, the Democratic-Liberals, on the right. Both parties have their original roots in the pre-war *Seiyukai* (Friends of Politics Association) and the *Minseito* (People's Political party).

The Democratic-Liberal Inheritance. The Emperor's broadcast of the news of surrender had hardly died from the radio before veteran politicians began actively to revive a competitive political system. The first to

* Nothing contained in this article is to be construed as in any sense official.

¹ The Potsdam Proclamation of July 26, 1945, provides the basis for initial directives issued to occupation authorities regarding control of political forces. The basic initial post-surrender directive to the Supreme Commander for the Allied Powers for the Occupation and Control of Japan, dated Nov. 1, 1945, is published in *Documents and State Papers*, United States Department of State, Vol. I, No. 1, Apr., 1948, pp. 32-45.

² For a brief analysis of the purge, see Harold S. Quigley, "The Great Purge in Japan," *Pacific Affairs*, Sept., 1947, pp. 299-308.

stir himself was Hatoyama Ichiro, whose father had been an early speaker of the House of Representatives, and who had held the posts of chief secretary in the Tanaka cabinet (1927-29), and minister of education in the Inukai and Saito cabinets of 1931-34.

As a leader of the Kuhara branch of the pre-war *Seiyukai*,³ Hatoyama turned to his 30-35 followers in that group in his initial political moves. More especially, however, he sought the small core of personal followers, the constitutional parliamentarians, who had followed him into the *Doko Kai*, an anti-Tojo group in the Diet between November, 1941, and May, 1942.⁴

That Hatoyama's original plan was to rally all the anti-military, constitutionally liberal elements within one conservative party, and to cut across pre-war political party lines, was indicated by his bid to fellow *Doko Kai* associates formerly in the *Minseito* and *Shakai Taishuto*. This was seen also in the inclusion of notable non-party men and non-parliamentarians as advisers. When his non-*Seiyukai* associates in the *Doko Kai* lent their aid to a resurrection of their own pre-war political parties, the new movement became strictly Hatoyama *Seiyukai* in inheritance by default.⁵

³ The *Seiyukai* finally split, after prolonged factional strife, in February, 1939, forming two large separately organized branches and one small group of neutrals. Nakajima Chikuhei, a retired naval officer and wealthy airplane manufacturer close to the industrialists exploiting the munitions program, led the largest group of 96. Kuhara Fusanosuke, wealthy mining entrepreneur, joined forces with Hatoyama's group of 30-35 followers to head 71 members. The neutrals numbered originally 11, and were composed of the ambitious who sought to offend neither faction. The Hatoyama group had by far the best and cleanest legislative record of the conservative groups between 1937 and 1943.

⁴ The *Doko Kai* was dominated by 18 Hatoyama *Seiyukai* members; 11 members were *Minseito*, 4 *Shakai Taishuto* (Social Mass party) men, one was an independent, and three were without clear affiliation. It was dissolved in May, 1942, when the Imperial Rule Assistance Political Society was formed. (Diet Secretariat Records Office.)

⁵ *Minseito* veterans Kawasaki Katsu and Saito Takao had provisionally agreed to join the Hatoyama party in Sept., 1945, but withdrew when the Ugaki move was launched. Saito was important as a "post-card name" to the Progressives, desperate for something to give the party a specious air of liberalism. Ozaki Yukio lent his name originally to the party as an adviser, but his long-standing anti-party position blocked any active affiliation. Professor Minobe Tatsukichi, noted for his organic theory of the state, was also an adviser. Socialist Katayama Tetsu was the only founder of the Social Democratic party who was a member of the *Doko Kai*; however, Hatoyama had had associations with other Social Democrats in the 1943 fight against the Tojo strengthening of the peace preservation laws. It appears probable that, while no agreement to join the Liberal party was ever given, an understanding may have been reached, after the purge directive, to coöperate against the Progressives in the next government. This is broadly hinted at by Nishio Suehiro in an unreported speech to the Social Democratic convention on Jan. 16, 1946, and was confirmed by statements of Liberal party leaders to this writer.

When the Japan Liberal party was launched on November 9, 1945, however, 7 former *Minseitō* members were among its listed Diet membership. It contained but one from the rival Nakajima branch of the old *Seiyūkai*. The important posts in the party were held in every instance by a *Seiyūkai* member close to Hatoyama. The none too popular Kono Ichiro, of the *Seiyūkai* but not of the inner Hatoyama circle, was given the important post of chief secretary, largely because of his skill in raising party funds.⁶ When the second post-war Diet opened on November 26, the Liberal party boasted 46 Diet members and second place among political parties.

The Liberal party has too often been judged by its name rather than by the origins of its label.⁷ Actually, it reflected Hatoyama's staunch parliamentary support of the Meiji constitution and his distinctly nineteenth-century position on economic and social problems, which might be described as Gladstonian liberalism. Moreover, the new party quickly revealed the continued ambiguity of the pre-war Hatoyama faction of the *Seiyūkai*: its support of parliamentary government, and its close affinity for the machine, and not infrequently the seamier, side of politics.⁸

Because the parliamentarians among the group were not the most successful party organizers, such *Seiyūkai* partisans as Kono Ichiro and Matsuno Tsuruhei, the latter with extensive election network experience, came into growing influence, a development which notably cooled the ardor of other would-be supporters.⁹

Not alone in its composition, but in its general policies, the Liberal party quickly reflected the pre-war *Seiyūkai* inheritance. The party's 1945 platform strongly supported the Tenno (emperor) system—the sensitive issue of 1945—advocated the popular election of governors, and plumped for free trade. Both Hatoyama and Yoshida Shigeru, former ambassador to Great Britain, foreign minister in the Shidehara cabinet, and a Liberal party member who later succeeded Hatoyama as president,

⁶ Information given by Kono Mitsu, Social Democrat, Ando Masazumi, Liberal, and Tsurumi Yusuke, Progressive, to writer, Mar.-Apr., 1948.

⁷ The name "Liberal" was selected for two major reasons; the lesser being its pleasing sound in Occupation ears. More fundamental was its evocative appeal to early *Seiyūkai* history in its identification with the Itagaki Taisuke Liberal party founded in 1881 in the crusading days of Meiji politics. As the *Kenseitō*, it helped to form the *Seiyūkai* in 1900. See H. S. Quigley, *Japanese Government and Politics* (New York, 1932), pp. 201-211.

⁸ Party divisions and rivalry in the *Seiyūkai* forced a search for funds in all directions. To suppose that the party relied on the Mitsui Zaibatsu is a gross oversimplification. In this period of factionalism, the Hatoyama *Seiyūkai* was under special pressure, since it was least intimate with the military bureaucracy after 1937.

⁹ Supreme Commander Allied Powers, *Summation of Non-Military Activities in Japan and Korea*, Feb., 1946, p. 33.

believed that the old constitution required functional rather than basic changes. Moreover, the party opposed the 1945 land reform act on the ground that it was too radical, a position that the old *Seiyukai*, with its large landowning class, would automatically have approved. It goes without saying that the Liberals were vehemently against Communism, another traditional *Seiyukai* position.¹⁰

The Progressive-Democratic Inheritance. While the Liberal party vigorously set about reorganization under a known and experienced leader, the other conservative forces were confused, fearful, and above all cautious. For the most part, they belonged to the *Dai Nippon Seiji Kai* (Great Japan Political Society), successor in 1945 to the war-time *Taisei Yokusan Seiji Kai* (Imperial Rule Assistance Political Society).¹¹ The former party in the Diet was a combination of four major pre-war political elements: the pre-war *Minseito*, the Nakajima (anti-Hatoyama) *Seiyukai*, the pure Kuhara *Seiyukai*, and those elected to the Diet for the first time in 1942.

Political movement within this amorphous mass began on September 14, 1945, when the *Dai Nippon Seiji Kai* was dissolved. The veteran *Minseito* member, Tsurumi Yusuke, was soon attempting to rally a nucleus of 150 members with three or more terms in the Diet in support of the retired politician-general, Ugaki Kazushige.¹² Tsurumi gained the support of former Hatoyama colleagues in the *Doko Kai*, the *Minseito* veterans Kawasaki Katsu and Saito Takao. Older party heads, however, soon combined to unite the whole of the former *Minseito*, the Nakajima *Seiyukai*, and the bulk of the first-term members into one major party. By November 16, sufficient agreement had been reached among the diverse elements to launch and christen the party the *Shimpoto* (Progressive party), although no agreement could be reached on the presidency.¹³

At the time of formation, the *Minseito* influence was not yet dominant in the Progressive party. Out of the originally claimed 288 Diet members,

¹⁰ *Ibid.*, Nov., 1945, pp. 27, 31. Hatoyama favored curtailing the powers of the House of Peers and increasing those of the House of Representatives. His views were considerably more liberal than those of the Progressives. (Hatoyama to writer.)

¹¹ The Imperial Rule Assistance Political Society was formed of practically all Diet members elected in the Tojo election of 1942. It was organized in May, 1942, to overcome the objections to the Imperial Rule Assistance Association, the government, and the bad taste left by the outrageously controlled 1942 election. The Great Japan Political Society was organized on Mar. 13, 1945, and was dissolved in Sept., 1945.

¹² General Ugaki, favorite war minister in *Minseito* cabinets, had had political ambitions since 1931. As premier-designate in 1937, he had failed to organize a cabinet when the army refused to name a minister of war. Ugaki retired from post-surrender politics when it became clear that military men were *de trop* in the new era. He has since been purged.

¹³ Officially termed the Japan Progressive party. See *Asahi Shimbun*, Dec. 5, 1945; *Nippon Times*, Nov. 19, Dec. 7, 1945.

those with pre-war *Minseito* records were but 32 per cent, those with *Seiyukai* inheritances 20 per cent, while the large plurality, 45 per cent, were the 116 first-term members.¹⁴ The *Minseito* potential, however, was clear. Oasa Tadao, long chief secretary of the defunct *Minseito* and a leading figure in war-time politics, divided the chief influence over the men newly elected in 1942 with Maeda Yonezo and Kanemitsu Tsuneo, of the Nakajima and neutral *Seiyukai* factions. Moreover, since the first-term members were elected without the support of an established political organization, in the post-war era they were without the influence that might have been their right by numbers. The *Minseito* was the only group in the Progressive party with tested political roots.¹⁵

The *Minseito* seed was well planted. Because of the war taint of the Nakajima and other *Seiyukai* leaders, such as Kanemitsu and Ota Masataka, and the early initiative of Tsurumi, the latter held the important chief secretary's post in the party from the beginning. The *Minseito* also shared evenly the first appointed directors of the General Affairs Committee.¹⁶ After the publication of the December, 1945, war criminal lists had barred many a potential aspirant, the presidency of the Progressives also passed to the *Minseito*. Machida Chuji, last president of the dissolved pre-war party, was installed in office immediately upon the close of the Diet session on December 18.¹⁷

As constituted in December, 1945, the Progressive party unquestionably contained the great bulk of the lackeys who had served the bureaucracy and the military ministries; most of its leaders with pre-war political experience had willingly supported the unitary-state principle of the fascist groups. The party was correctly labeled as possessing the most reactionary leadership and the greatest war culpability. Consequently, its platform was extremely cautious and extremely vague. It supported the Tenno system wholeheartedly, and held that the old constitution was adequate for the new age.¹⁸

Thus the dynamic of both post-war political organizations was clearly defined as a revival of pre-war leadership; and former personal rivalries continued to be exercised. The Hatoyama attempt at an all-embracing conservative party failed largely because of the strength of pre-war political allegiances.

¹⁴ Original party lists were drawn without always first obtaining members' consent; for that reason, apparent party strength was fluctuating. Of the original 288 names posted, 20 later changed affiliation once or oftener.

¹⁵ No general elections were held after the split in the *Seiyukai* before the parties were dissolved in June-Aug., 1940. See *Japan Year Book*, 1942.

¹⁶ Pre-organization lists prepared by Tsurumi Yusuke, Nov., 1945.

¹⁷ *Summation of Non-Military Activities in Japan and Korea*, Dec., 1945, p. 25; *Mainichi Shimbun*, Dec. 19, 1945.

¹⁸ *Asahi Shimbun*, Nov. 17, 1945, carries the party platform in brief.

Effect of the Purge upon Post-War Leadership. The purge directive of January 4, 1946, all but extinguished the Progressive party. Of the more than 270 Diet members on January 1, only 32 remained eligible on March 1.¹⁹ Small as this number was, fewer still were those experienced pre-war leaders eligible for political warfare. Inukai Ken alone remained of the old *Seiyukai* leadership; the *Minseito* had more in numbers, but, including Saito Takao, they were on the whole men who had never held important party posts in the pre-war era, and were without demonstrated talents for leadership or organization.²⁰ Thus the purge almost completely removed the old leadership, which was deeply rooted in either the *Minseito* or the Nakajima *Seiyukai*.

On the other hand, the purge stamped the future of the party as almost inescapably *Minseito*. By the elimination of the Nakajima faction, which had individual rather than organizational election roots, by the practical elimination of the first-term members, who generally had neither, the purge forced the party, for political survival, to rely on the older, deeper, proved sources of *Minseito* organization.²¹

Although the purge deflated the Progressive party, it gave it a new lease on life. No such benefits accrued to the Liberal party under Hatoyama. The initial January purge reduced its parliamentary membership from 46 to 18,²² although it was left with a considerably larger proportion of its original leadership, including Hatoyama, than were the Progressives. But in thinning still more the already thin ranks of the Hatoyama "constitutional parliamentarians," the purge increased the margin of control held by the machine politicians—the technicians and the mechanics. This shift of influence, observable in January, 1946, handicapped the party in its strenuous efforts to pose as the only champion of the progressive, albeit conservative, elements.²³

It was, however, the later application of the purge, the re-screening of elected Diet members between April and June, 1946, which definitively shaped the Liberal party in the post-war years. The damage of the second purge of 1946 was serious, for with the election over, ready substitution was impossible. The major blow, of course, was the purge of Hatoyama

¹⁹ In all, 18 Diet members resigned between Dec. 1 and 17, 1945; of these, only one was a Progressive. The reduction from 288 to 270 represents quite accurately the over-sanguine listing by party founders. (Diet Secretariat records.)

²⁰ Leaders in pre-war *Minseito* agreed on this evaluation in statements to the writer, Apr., 1948.

²¹ The *Minseito* lost to the *Seiyukai* by 2 seats in the *Seiyukai*-controlled election of 1928, swamped it in 1930, lost badly in the Manchurian-*Seiyukai* election of 1932, and won handily in 1936 and 1937. See *Japan Year Book* for election results.

²² Of the 18, 3 were *Minseito*, 6 Hatoyama *Seiyukai*, 5 first-term members, 1 Nakajima *Seiyukai*, the rest in minor groups.

²³ *Summation of Non-Military Activities in Japan and Korea*, Feb., 1946, p. 33.

Ichiro, on the verge of being named prime minister, on May 3, 1946.²⁴ This loss stunned the party. It was left without an acceptable leader who could link the two party elements, the constitutional parliamentarians on the one hand and the party machinists on the other.²⁵ The former could not be replaced, successors to the latter were plentiful; when Kono Ichiro was purged in June, Ono Bambuko, trained in the Hara Kei school of fierce partisanship, quickly stepped into the empty shoes of the chief secretary.²⁶

The balance in the party was not corrected by the selection of Hatoyama's successor. Yoshida Shigeru, Premier Shidehara's foreign minister, who was elected temporary leader of the party and named chairman of its executive committee on May 13, 1946, had had no previous political training and cared little for politics. He assumed the party leadership reluctantly.²⁷ The partisans, the technicians and mechanics, were thus left safely in control. It was largely this dominance of machine elements and the practical isolation of the parliamentarians, both close to Hatoyama in the original *Seiyukai*, that forced Ashida Hitoshi, one of the co-founders of the Liberal party, to bolt the party in March, 1947, and to join the Progressives in fashioning the new Democratic party on the 31st of that month.

The expanded provisions of the purge, announced on January 4, 1947, affected the strength and personnel of the local organizations of both parties far more than it did the character or leadership of either party. Of the two, the Democratic party, successor to the Progressives, was most affected by top leadership losses, while the Liberals were more affected by what little change of character occurred. As in 1946, the Democrats were hit worse in the pre-election phase of the purge, while the Lib-

²⁴ Hatoyama was the only politician of national stature purged by a special SCAP directive. He was cited for his position as chief secretary in the Tanaka cabinet, 1927-29, his restraints upon the schools as minister of education, his book of European travel, his 1932 election-statement, and his oppression of a farm movement. His supporters remain amazingly loyal, contending that he was a victim of a whirlwind leftist newspaper smear campaign which utterly ignored his consistent opposition to military régimes between 1936 and 1943, his support of constitutional government, and his parliamentary record over the same period. It is a fact that the most consistent supporters of parliamentary rights were among his intimate followers.

²⁵ Ando Masazumi was considered the chief loss among "parliamentarians" by party leaders.

²⁶ Ono had been an *ingaidan* to Hara Kei, a position combining the functions of trusted liaison man, messenger, and organization whip among both parliamentary and non-parliamentary groups.

²⁷ Yoshida accepted the position on three conditions, all of which posited that his occupancy would be temporary. He was not elected president until Aug. 18, 1946.

erals were most affected by the re-screening after the election of April 25, 1947.²⁸

Since the 1947 purge had as one of its avowed major objectives the elimination of those who, on the local level, played leading rôles in military and fascist organizations, its operation both directly and indirectly forced a considerable reorganization of city, county, and prefectural branches of both parties.²⁹ Since many of those prominent enough to hold important local posts in the militaristic organizations also had *Minseitō* and *Seiyūkai* affiliations, this application of the purge struck at the very roots of the political strength which both of the conservative parties were arduously cultivating. Part of the vehement insistence of the conservative parties upon reducing the size of electoral districts in the election law revision of March, 1947, may be traced to the wide gaps the purge would cut in their local organizational network.

While the Democratic party lost fewer than 30 of its 1946 Diet members through the purge prior to the April 25, 1947, election, it lost heavily in leadership when four important figures in the founding of the party on March 31 of that year were declared ineligible less than two weeks later. These were Inukai Ken, Narahashi Wataru, Ishiguro Takeshi, and Chizaki Usaburo. Of the four, perhaps Inukai Ken was the most important—the last of the original *Seiyūkai* leaders in the founding of the Progressive party. While his elimination and that of the other three was a blow to the election hopes of the party, it did not materially change its character. Inukai's skill in politics, however, would unquestionably have mitigated the sharp internal dissension which has characterized the Democratic ranks since May, 1947, when they were caught between the horns of the dilemma, the Liberal party's conservatism on the right and the coalition with the Social Democrats on the left.

The Liberal party lost, through the pre- and post-election purges, some of its leadership most closely identified with the party machine.³⁰ In so far as this was true, it helped toward the slow development of the reform or parliamentary group within the party, in opposition to the machine faction.

²⁸ Three of the four Liberals purged after the 1946 election were leading figures. The Socialists, notably, lost more men, but they were not major leaders. In the post-1947 election purges, 9 Liberals were removed, among them such leaders as Kita Reikichi, noted economist, Tanikawa Noboru, an experienced career official, and Ishi Mitsujiro, former *Asahi* executive and recent cabinet member under Yoshida. No top level Democrat or Socialist—save Hirano Rikizo—was removed after the election. While this apparently biased application of the purge ultimately hurt the Liberals, their opponents claim that it gave that party unfair electioneering advantage during the crucial April of 1947.

²⁹ *Summation of Non-Military Activities, Japan*, Jan., 1947.

³⁰ Notably Okubo Tomejiro, former mayor of Tokyo, and Hanashi Shingoro.

The original purge of 1946, by eliminating the experienced pre-war leaders, effectively ended the possibility that Japanese post-war conservative parties would be solely a direct, unquestioned continuation of pre-war parties with new labels. They were led by the purge to rely more hopefully upon pre-war affiliations in the local districts for their own rehabilitation. The second phase of the purge forced a renovation of personnel on the local level and removed most of the direct *Seiyukai* and *Minseito* influence on that level. The final purge, therefore, practically guaranteed the modified character of post-war political parties. The combination of the two, and especially the 1947 local purge, may presage a merger of the two streams of pre-1940 conservatism.

Progressive-Democratic Strategy. That the Progressive party successfully cultivates the old *Minseito* spheres of influence is clearly demonstrated by party rosters and the results of the two post-war elections. In the first election of April 10, 1946, the party hurriedly reached into the ranks of village headmen and local mayors to resurrect pre-war support. The fact that nearly all of the 94 successful Progressive party candidates with pre-war political affiliations were *Minseito*, testifies to the selective process adopted and to its success. Between 40 and 60 per cent of the Progressive party winners in 1946 owed their election to the traditional voting habits of *Minseito* districts, aided considerably by the plural ballot law adopted in 1945.³¹ The continued influence of the Nakajima *Seiyukai*, though not readily traced, was evident in Gumma and Fukuoka prefectures, and the son of a neutral *Seiyukai* leader was easily returned from Oita prefecture. Although the pattern of vote distribution and elected membership revealed that the Progressives were weaker than had been anticipated in the traditional *Minseito* districts of Kyoto, Nagoya, Osaka, Kobe, and even in Fukuoka, they were more successful in the *Minseito* strongholds in Kyushu and Shikoku and in central and northern Japan. More significantly, perhaps, the 1946 election indicated that the Adachi Kenzo splinter from the *Minseito*, the *Kokumin Domei*, had returned to the Progressive-*Minseito* fold after fifteen years.³² On the other hand, it suggested that agricultural support in *Minseito* areas of the Hokkaido, Nagano, Hiroshima, Miyazaki, Kagoshima, and to a lesser extent in Aichi and Osaka, was turning toward the Coöperative Democratic

³¹ Inukai Ken to writer, Dec., 1947. The plural ballot system, coupled with large plural-member constituencies, provided the voter with at least two votes in all but 14 electoral districts, in which he had three. Designed to aid new and minority parties against established organizations on the right, it resulted in capricious voting which makes analysis of election figures difficult. The writer's chauffeur, for instance, voted for a Liberal and a Communist; many of the 39 women elected admittedly owed their election to second-choice "courtesy" ballots.

³² Notably in Kumamoto prefecture, Kyushu.

party (*Kyodo Minshuto*), founded on May 21, 1946, and reorganized as the People's Coöperative party (*Kokumin Kyodoto*), on March 8, 1947. Although one of the principal organizers of this party was Funada Chu, of the Nakajima *Seiyukai* faction, his influence evaporated when he was purged. From the outset the Coöperatives have wooed the farm voter.³³

The 1946 election proved that the Progressive party could live if it could hold and expand the old *Minseito* allegiance. The concentration on this strategy was revealed in the character of the 24 independents and minor party men who joined the Progressive party in 1946-47. Although recruited largely through the efforts of the *Seiyukai* leader Inukai Ken, the majority were elected from former *Minseito* constituencies. Moreover, it appears that many of the 31 recruits who joined with the Progressives to form the Democratic party on March 31, 1947, were persuaded to do so not only because of available party funds, but also because many of them, coming from pre-war *Minseito* districts, felt their chances of re-election to be best served by the support of that party's post-war heir.³⁴

Although there was a definite Democratic party attempt to revive certain pre-war *Seiyukai* political nets in the 1947 election, the outstanding feature of the result was the increasing parallelism between the Democratic popular support and that accorded the *Minseito* in the 1936 and 1937 elections. Moreover, a study of the Democratic party rosters and of intra-party activity following the 1947 election indicates that the party posts and leadership are being assumed by men who with but few exceptions are of the *Minseito* tradition.

Liberal Strategy. The Liberal party enjoyed a success even more notable in utilizing the pre-war *Seiyukai* districts in the 1946 election. Like the Progressives, the Liberals had reached into the ranks of prefectural assemblymen and local leaders for new candidates. In the first post-war election, however, the Liberal party, led by Hatoyama, not only cultivated its *Seiyukai* heritage but also strove to swamp the Progressives on the whole conservative front. The relative failure of this program was due to three factors: the capricious operation of the plural-ballot system, the

³³ In 1946, the Progressives failed to win any seats in the Hokkaido; the Coöperatives won 7. In Nagano, a former *Minseito* leader was credited with Coöperative success in one constituency. In Hiroshima, after the application of the purge and the affiliation of independents, the Coöperatives held 6 seats to the Progressives' none. A leading Hiroshima Coöperative, Matsumoto Takizo, is regarded as the heir to a *Minseito* seat. In Kagoshima, a former *Minseito* Diet member, Yamamoto Sanehiko, became the post-election president of the Coöperatives, but was purged in Dec., 1946. Miki Takeo, who succeeded him as president, has personal but no organizational ties with the neutral *Seiyukai* leader, Kanemitsu Tsuneo.

³⁴ Three came from Akita, 4 each from Kyōto and Hyōgo, one each from Hiroshima, Ishikawa, Mie, and Fukushima prefectures, where the pre-war *Minseito* had been predominant. (Diet Secretariat records.)

character of party leadership, and, of course, the residual strength of pre-war political rivalry in voting habits.

The 1947 election, even more clearly than that of 1946, showed *Seiyukai* and Liberal party parallelism. This relationship is the more notable because the Democrats and Liberals fought each other in that election almost as vigorously as they did the common opponent, the Social Democratic party. It is easy, however, to exaggerate the direct influence of pre-war voting habits as the controlling factor in the 1947 election. The number of successful candidates who had connections with brewery, food, fisheries, and other business interests, or who had educational association backing, testifies to the power and weight of other forces.³⁵

While many new Diet men in 1946 and 1947 owed their election to post-war alignments, the identification of these men as "substitutional candidates" fails to distinguish between those who owed their election to such blocs and those handpicked as heirs of a purged politician of pre-war standing. The number of Diet members in the first category in 1947 was approximately 40 per cent, while those in the second category probably number less than 10 per cent. Since the transfer of a personal political following is most easily accomplished in the rural areas and least easily in the amorphous urban communities, the Liberal party in 1947 contained more of such political heirs than the Democrats.³⁶

Those who speak glibly of the number of "substitutional candidates" usually imply that undesirable influence had been exercised, mainly of course by political purgees. Because of prohibition from open political activity, however, purgees had to exercise their political influence indirectly and personally, not through public appeal for votes. The number of political casualties in the two post-war elections, as well as in the pre-war decade, indicates that while the influence of such prominent characters was not unimportant, it was not decisive. Their influence was most effectively exerted in the selection of the official party candidates. It was due to the weight of their judgment of the men who could rally the latent political support of a district.³⁷

Because of the factors noted above, plus the tremendous importance of funds and the increasing death-rate of pre-war leadership, it is probable that the conservative parties have used and expanded the latent support each had in the spheres of pre-war parties rather than been controlled by these affiliations. There is no question that this dénouement is the result

³⁵ Men with such business or professional affiliations were "of course" elected, leaders of all parties have told the writer.

³⁶ Chief political editor of the *Asahi Shimbun* to writer, Apr., 1948; Tsurumi Yusuke to writer, Mar., 1948.

³⁷ It is traditional in Japanese politics for each party to designate its "official" candidate in each district, although anyone can run on the ticket.

of the purge in removing former leaders, bringing new faces to the fore, and of the physical fact of the occupation.

Inherited Traits in Party Behavior. The shift in the balance of power within the Liberal party, in favor of the *Seiyukai* party-machine-trained group after the 1946 purge, became more marked during the ensuing twelve months of the Yoshida coalition government of Liberals and Progressives. The Liberal party clearly dominated the coalition. Thus, with a clear-cut party control, the machine elements were able to entrench themselves within the organization through distribution of the patronage and privileges of government office.³⁸

This all but complete control of the party by the partisans encouraged the development of the old *Seiyukai* traits of dictation and aggressiveness. It appeared in the "Higai Incident" of August, 1946, when the Liberal party leaders used the speaker of the House of Representatives, a Liberal, to lead a protest to the Premier, a Liberal, seeking reversal of an amendment previously adopted by the Constitutional Revision Committee of the House, whose chairman was also a Liberal.³⁹ It was reflected in the growing influence in the party of the aggressive Finance Minister, Ishibashi Tanzan, increasingly regarded as the most likely future leader of the party. Not without significance were a few references to him as a "little Hara." There was marked assertiveness in the opposition conducted by party leaders to the Premier's attempts in January and February, 1947, to persuade the Social Democrats to join the Liberal-Progressive coalition. It became more pronounced in the callous treatment accorded their Progressive partners in the last months of 1946 and early 1947. The cool decision to take advantage of that party's difficult political position did much to encourage Inukai and Narahashi of the Progressives to form the Democratic party with Ashida and his bolting Liberals in March, 1947. Parliamentary tactics reminiscent of the *Seiyukai* were evident in the methods taken by the Liberals to secure the election law revision of March, 1947. Such traits reached a climax in the party's tactics in creating disturbances in the Diet to delay action on the bitterly contested Socialist proposal for a coal mines control act in the fall of 1947.⁴⁰

Control of the government also exposed the party to the liaisons traditionally tempting to partisan political machine leaders of Japan. That such elements as the "gumi" (company) gang leaders, Ozu Kennosuke

³⁸ These included provision for housing, transportation, and food. Holders of government posts were more effective electioneers than private citizens. Even the relatively innocuous posts of parliamentary vice-minister and councillor were keenly competed for.

³⁹ The incident was settled by the resignation of Speaker Higai after a no-confidence vote was defeated on Aug. 24, 1946.

⁴⁰ The Liberal party supplied members with much *saké* and many instructions.

and Sekine Ken, were affiliated in any way with the Liberal party is probably an inevitable result of that party's control of the government during the early stages of the occupation. Only by a distorted method of reasoning, however, can it be argued that they possessed any control over the party. They were hands and feet, but definitely not the brains, of the party. Such connections were typical of pre-war party liaisons.⁴¹

A measure of the *Seiyukai* character of the Liberal party may also be seen in the fact that the four former *Minseito* members of the Liberal party who remained after the bolt of Ashida and the purge of two others gradually became affiliated with the opposition to the machine elements in the party. Eventually they refused to follow their colleagues into the Democratic-Liberal party when it was organized on March 15, 1948.⁴²

On the other hand, the Progressive party possessed no experienced party machine men to seek control of the party in 1946-1947. Moreover, as the junior member of the coalition Yoshida government, it had fewer opportunities, hence less temptation, to develop the extra-party liaisons effected by the Liberals. A struggle ensued within the party between the minority group, centering around freshman members and led by the *Seiyukai* leader, Inukai Ken, and the older party stalwarts of *Minseito* heritage who took Shidehara Kijuro, party president, as their symbol. The efforts of the younger group to renovate the party's reputation, organization, and platform, to rid it of the taint of its founding, did not produce the sharp tension which later developed within its successor, the Democratic party, largely because of Inukai's general adroitness. Even though deep fissures developed after May, 1947, into eventual splits in the party, the Democrats generally discussed their differences freely. A partial explanation for this unusual laxity was the leadership's fear that arbitrary use of authority would only worsen the internal situation. Whether it was the liberal use of money, fear of an open party break, lack of strong leadership, or a conviction of the wisdom of discussion, the Democratic party in 1947 moved steadily toward procedures resembling those of the pre-1937 *Minseito*. In so doing, the Democratic party changed places with the *Jiyuto*, which in early 1946 under Hatoyama was clearly the more progressive of the conservative parties. The Democratic-Liberals are now farther to the right.

⁴¹ An American correspondent's story in the *Nippon Times* of Nov. 23, 1947, which appeared in other papers at the same time, linked such organizations and a loosely identified network of other connections into a "hidden government" of subversive intentions. As in the famous "Tsuji case" of Tsuji Karoku, it betrayed considerable ignorance of Japanese traditions and manners as well as of American counterparts. It caused serious consternation in Japanese official circles and led to Diet interpellations on the subject on Nov. 26, 1947. It confused the boss-gang with top level policy planning.

⁴² These, plus two others, retained the name of the Japan Liberal party. (Diet Secretariat records.)

The Democratic party's alliance with the Social Democrats and the People's Coöperative party in the Katayama cabinet, May, 1947–February, 1948, and later in a cabinet under its own president, Ashida Hitoshi, suggests a further thin trace of inheritance from the *Minseito*, even though the latter coalition was motivated chiefly by a desire to preserve the strength and unity of the party.⁴³ The Progressive, later the Democratic party, as the heir of the pre-war *Minseito* roots in the urban centers, was most affected among conservative parties by the rise of the socialist movement after the war, since it constituted a threat to its constituencies in urban and intellectual circles. Political necessity bred recognition if not acceptance. Whereas Hatoyama's coquetry with the Socialists in 1946 had but the thin base of a war-time association as common opponents to the Tojo régime, the Democratic alliance had a narrow but common ground of principle upon which to establish a working compromise. The Democratic Liberals are as basically anti-socialist as they are anti-communist, faithfully reflecting the *Seiyukai* position and kindred roots in agricultural and industrial areas.⁴⁴

A comparison of party platforms in post-war years with those of the pre-war *Minseito* and *Seiyukai* would be fruitless in view of their consistent vagueness and the domination of both periods by extra-party forces. Only lately have the platforms of either party exhibited definiteness and particularity. This particularity is the result of pressures inherent in the necessities of a coalition government among major but not majority parties, not of the normal evolution of a political philosophy. The most detailed exposition of Democratic principles, for example, was a set of compromises drawn up in February, 1948, to gain the support of the Social Democratic party for the Democratic-led Ashida cabinet.⁴⁵ It may be said, however, that a general emphasis on reconstruction is appearing in the platforms of both parties, the Democratic-Liberals stressing internal, the Democrats external, factors. One can easily over-reach himself, however, in attempting to draw any comparison with characteristics of the *Minseito* and *Seiyukai* pre-war platforms. The intricacies in the evolution of the relatively vague party platforms of the two major parties since 1945 is a subject in itself.

Survival of Pre-war Bureaucracy. The ministries with the chief political influence in the pre-war period were those of Home Affairs, Foreign Affairs, Finance, and, most of all, War and the Navy. All had strong ties with an exerted heavy pressure upon the parties through their con-

⁴³ Statements of Democratic party leaders to writer, Feb.–Mar., 1948.

⁴⁴ This is made bluntly clear in Yoshida's statements at the time he refused to enter a four-party coalition, May 19, 1947. The same views were expressed in the initial launching by the Liberals of the "national salvation party" drive to unite conservatives, Oct.–Nov., 1947.

⁴⁵ *Summation of Non-Military Activities, Japan*, Feb., 1948, pp. 37–38.

trol of funds, the police, fiscal policy, and the varied organs of propaganda.

The military defeat in the war, the abolition of the War and Navy ministries, the proscribing of regular army and navy officers by the purge, plus the occupation of Japan by the Allied Powers, have well-nigh eliminated the direct influence of the army and navy. A certain residual influence remains, inevitably, as shown in the recurrent political interest focused on the retired General Ugaki Kazushige.⁴⁶

The notorious influence of the Home Ministry in the pre-war days, exerted through control of prefectural governors and the police, has been weakened in the post-war era by the popular election of governors and a partially decentralized police system. Moreover, the Home Ministry was abolished on January 1, 1948, and its functions divided between several component boards. How permanent a check this will be on bureaucratic influence remains to be seen. Subordinate officials remain in the boards and ministries, of course, who are still influenced by former ministerial officials in the old bureaucracy, inclined to them by ties of personal loyalty and association. However, those ties are now divorced from the power formerly held to control by official command; their influence rests upon a much less direct relationship which time and changing personnel may increasingly minimize.⁴⁷

The Foreign Office exerts influence in its current rôle as the Japanese agency of liaison with the Allied Powers, a liaison controlled by the Supreme Commander for the Allied Powers. That influence is not uncontested, however, as each political party and each organ of the Japanese government gradually have developed their own liaison agencies. It is the Finance Ministry which has retained the greatest share of its pre-war political influence. Through the execution of financial policy, through taxation and industrial loans, and through its direct relationship to the reparation and export problems, it exerts an economic power obviously politically important at the present time. Between May, 1946, and May, 1947, the ministry was headed by the Liberal, Ishibashi Tanzan, and since that date the post has been occupied by Democrats. None of these men had direct political affiliations with pre-war parties.⁴⁸

While the direct political control of previously potent governmental bureaus has been sharply curtailed, their influence in the shaping and direction of legislation continues immense. This is due in large measure to the absence in the major parties of highly qualified specialists in the tech-

⁴⁶ Speculation as to Ugaki's clearance from the purge and leadership in a revived rightist conservative party was still current in politically-minded Japanese circles in Apr., 1948, despite Ugaki's 77 years.

⁴⁷ For an interesting if general account of post-war bureaucracy and its traditional power, see John M. Maki, "Rôle of the Bureaucracy in Japan," *Pacific Affairs*, Dec., 1947, pp. 391-406.

⁴⁸ The Democrats were Kurusu Takao, June, 1947-Feb., 1948, a personal friend of Ashida Hitoshi, and Kitamura Tokutaro, since Mar., 1948.

nical fields of modern legislation. Such specialists are gradually being developed, but whether, in the era of an inevitable dominance of administrative law, they can successfully match strength with career civil servants in ministerial bureaus is a moot question which time alone will answer.

New Sources of Party Funds. Party structure, as well as party action in the Diet, and non-parliamentary liaisons, have followed, in general, pre-war patterns. But in the fundamental matter of party financing, a temporary difference appears. Prior to 1940, political parties relied upon large single-fund contributions from the *zaibatsu*, government slush funds, and special funds of the military forces. With the *zaibatsu* stripped of power by occupation policy, military sources dried up by defeat and dissolution, and secret government funds eliminated from the national budget, parties have been compelled to seek new sources of campaign funds.⁴⁹

In a war-devastated country faced by the necessity of rehabilitation and the urgent requirements of the occupation, the construction companies were the first of the new sources to appear. In the 1946 election, and until mid-1947, the parties obtained their largest contributions from such sources. In the main, the contributions were legitimate, but because of the stringent limitations of the election laws, which always lagged behind the pace of inflation, the political application of the funds often was disguised. The growing importance of money in winning support for the new faces in post-war political battles, plus the element of favoritism involved in the award of government construction contracts, made an exposé of such political contributions headline news. Consequently, more headline hunting than sober analysis and understanding has been commonly indulged in by commentators. With the adoption of competitive bidding and the satisfaction of occupation construction needs, the building bonanza began to collapse in mid-1947.

For the 1947 election, the parties were financed largely by dealers in scarce commodities and brokers for the sale and distribution of government stockpiles remaining at the close of the war. As with the construction companies, it appears that the Liberal party initially was most involved, because it controlled the essential administrative agencies during the twelve months of the Yoshida government. The probings of a special Diet investigation committee and the concentrated efforts of occupation authorities to eliminate the source of such operations are expected to dry up this well of party revenue.⁵⁰

⁴⁹ See article in next issue by Dr. Harry E. Wildes for a more detailed treatment of this aspect and a different interpretation.

⁵⁰ A special Diet Hoarded Goods Committee was established in July, 1947, and was reorganized in Dec., 1947, as the Illegal Transactions Investigation Committee. See *Summation of Non-Military Activities, Japan*, Jan., 1948, pp. 29-32; Feb., 1948, pp. 42-44.

The third source of party funds centers in government control of industrial loans to essentially sound but hard-pressed companies. This source became important coincidentally with strengthened measures to levy and collect income tax assessments, and with growing pressure from labor for wage increases. Since the Democratic party was dominant in the financial policies of the Katayama coalition government (May, 1947–February, 1948), during this period it was the party most involved in public allegations that such loans were political. Public attention, rivals' criticisms, and a current Diet investigation will tend to eliminate this device for obtaining "political revenue."⁵¹

It is clear that each of these three sources of party financing is essentially temporary, being closely identified with the transitory features of an economy defeated in war and under an occupying power. Whether future and more permanent sources of funds will be the export and trading circles, as successors to the dominant *zaibatsu* contributors of the 1930's, remains to be seen.

Possibilities of Merger. Since Hatoyama's early attempt in 1945 and the Liberals' gesture following the 1946 purge, there have been numerous moves to merge the two major conservative parties. Most of these have been motivated, not by considerations of principle, but by competition from left-wing forces.⁵² Pending complete merger, the evidence of a union of the *Minseito* and *Seiyukai* influence is more superficial than real. The bolt of the Ashida Liberals to the Democratic party in 1947 included some *Minseito* elements, but the *Seiyukai* members were generally considered to be those closest in temperament to the *Minseito*.⁵³ No noticeable evidence of a trend in other than the personal spheres of the bolters was discernible in the 1947 election.

A more recent augury of a limited merger of the two pre-war political spheres was the union of the Shidehara Democrats with the Liberals in the new Democratic-Liberal party on March 15, 1948. It is believed, however, that this union also represented an individual rather than an organizational merger.⁵⁴ More significant has been the determined effort of the Democratic-Liberals to undermine the opposition in the localities by luring prefectural assemblymen and organizational leaders of the rival party into their fold. There have been definite signs of a partial success in this effort.⁵⁵ The 1947 purge, by removing a leadership generally identified with pre-war political affiliations, was an aid to this effort. On the

⁵¹ *Ibid.* The Japanese press is currently full of "reports" of such transactions.

⁵² Major moves occurred in Feb., Aug., and Dec., 1946, Feb., 1947; steady pressure has been applied since Oct., 1947. Each period is notable for upsurges of labor unrest or a "threat" of socialistic measures.

⁵³ Tsurumi Yusuke and Seko Koichi to writer, Apr., 1948.

⁵⁴ *Ibid.*

⁵⁵ Notably in Tochigi, Ibaragi, and Fukushima prefectures; less in Aichi and certain prefectures in southern Japan.

other hand, the cultivation of local leaders has been most intensive in those areas from which the bolting Democrats came, and may be an evidence of uncertainty of support in their own districts.

This attention to the local plane of political activity is a most encouraging sign, betokening the breakdown of traditional voting blocs influential in the first two post-war elections. Changing faces in leadership, new political issues, and changed formulas of government resulting from legislative and constitutional reforms have lessened the dependability of traditional lines of allegiance. If the conservative parties merge, or if one achieves unquestioned dominance, the result will be less a merger of *Minseito* and *Seiyukai* residues than a development of post-war political organizations related to the former only through many mutations.

Conclusion. The purge of 1946, in removing national leadership, and that of 1947, in striking at the local tap roots, prevented the direct continuity of pre-war political parties in the post-war milieu. The purges gave the shattered Progressives a lease on life and a *Minseito* inheritance, while they left the Democratic-Liberal party in the hands of the party machine. The direct influence of the Nakajima *Seiyukai* has all but disappeared, and, in 1948 the Democratic-Liberals appear to have once again drawn all *Seiyukai* elements under one banner. Yet it appears that both parties have utilized these ancestral influences rather than that they have been controlled by them, and that these influences, both organizational and individual, are fading. Political influence in government bureaus is no longer matched by their legislative and governmental powers; party financing is troubling all political leaders, conscious of the ephemeral character of present sources of revenue. A merger of pre-war *Minseito* and *Seiyukai* electoral spheres has not yet definitely appeared, but the increasing tillage of the local political soil indicates that a significant combination may eventually appear.

Japanese politics is no better and no worse than that found in similar situations elsewhere. Its greatest handicap has been the scarcity of truly talented political leadership thoroughly immersed in the democratic tradition and conversant with the problems and trends of the present and capable of planning for the future. It is certain, given time and a continued support of the liberal elements, that that leadership will appear. Then the political organism will no longer exhibit any recognizable stamp of the political chromosomes inherited from the pre-war decade.

III. JAPAN'S POST-WAR SOCIALIST PARTY*

JOHN SAFFELL
Mt. Union College

The development of Japan's Socialist party since V.J. Day may logically be considered in three periods. The first period, that of reorganization,

* Nothing contained in this article is to be construed as in any sense official.

began in August, 1945, and continued until the first post-war election in April, 1946. The second period comprised the months between April, 1946, and June, 1947, during which Socialists were gathering strength in the chief opposition party. The third period, from May, 1947, to February, 1948, saw the revolutionary passage of Japan's government into the hands of a Socialist-led cabinet.

Left-Wing Realignment: August, 1945–April, 1946. Against a background of military defeat, dissolution of war-time political agencies, and resulting efforts at political realignment should be set the movement which led to formation of the present *Shakaito* (Social Democratic party).¹ By late August of 1945, the political ferment was active; by early September, Tokyo papers were reporting that remnants of the old proletarian and agrarian organizations—*Ronoto* (Laborers' and Farmers' party), *Nominto* (Farmers' party), and *Shakai Taishuto* (Social Mass party)—were already drawing the lines of the new party formation.

During these early stages of organization, it was not clear which of the pre-war proletarian groups would coalesce; more than two months were spent in political maneuverings before the Social Democratic party was formally organized in November, 1945. Especially prominent in the organization process were the following three men: Kagawa Toyohiko, the Christian leader; Abe Isoo, a founder of the Japan Socialist party in 1901; and Takano Iwasaburo, a former adviser of the Social Mass party.

These early organizers were successful in bringing together a hodgepodge of political constituents. The *Nippon Times*, Tokyo, in early November, provided an excellent characterization of the party:

"The present Social Democratic Party is a heterogeneous alliance of all socialist groups . . . There are the intellectual utopians and the religious idealists, the hard-headed laborites who have come up through the rough and tumble mill of union activities—incidentally divided among themselves between the right-wing and the left-wing factions, the opportunists who swerved from socialism during the war but who are now trying to come back into the fold like repentant prodigals, and the uncompromising and unforgiving orthodox materialistic Marxists who have always been single-mindedly devoted to the Cause."

Diverse as the constituents of the party were, however, it obviously did not include the bulk of these "uncompromising and unforgiving materialistic Marxists." Communist political activity quickened after the release of political prisoners in October, 1945. Soon thereafter, Communists pro-

¹ The term *Shakaito* means literally "Social party." According to Kato Kanju and his wife, Kato Shizue, both left-wing *Shakaito* leaders, the translation "Social Democratic" is used to indicate the party's ideological similarity to other such-named political parties throughout the world. But the Japanese words meaning "Social Democratic party," namely *Shakai Minshuto*, are not used, since this term would link the new party in the minds of the Japanese people with the old *Shakai Minshuto*, which appealed more to intellectuals than to the masses.

posed that Social Democrats join them in formation of a United Front. Like proposals were to be oft repeated; even by December, 1945, the Socialists had rejected the third such Communist proffer.²

While Socialists and Communists have not formed a United or Joint Front on the national level, some Socialists have openly favored certain planks of the Communist platform. Thus when the question of the future of the emperor system was a throbbing issue, Socialists could not agree among themselves on the future of the Tenno. Ono Chunichi, at the time a member of the party's Central Executive Committee, threatened to bolt if the Standing Committee refused to alter its policy decision of "democracy under the emperor system." Ono was supported in his stand by such prominent left-wingers as Arahata Kanson,³ former Communist, and Matsumoto Jiichiro,⁴ revered leader of the left-wing Socialists and champion of the *eta* (outcasts).⁵ Ono's stand was condemned by a party spokesman who declared that Ono was apparently nearer to the Communist than to the Socialist line.⁶ The emperor issue has ceased to plague Socialist unity, but a variety of other issues have been raised in later months to make intra-party cleavage the most important single characteristic of the post-war Socialist party in Japan.

Socialist disunity, however, did not flare into the open on the question of war guilt. In the 89th extraordinary session of the Diet (November 26–December 18, 1945), in which this issue was discussed, Socialists proposed that all Diet members active in the war-time totalitarian political organ-

² *Nippon Times*, Dec. 30, 1945.

³ Arahata Kanson has long been identified with Japan's labor movement. Since the end of the war he has been active as a left-wing Socialist leader, though he is not so influential as Kato Kanju and Suzuki Mozaburo.

⁴ Matsumoto Jiichiro, wealthy Fukuoka bachelor, is an important left-wing leader. He is highly respected by the entire party and was elected vice-president of the House of Councillors in May, 1947. Matsumoto's forthright "democratic practices," such as his refusal to wear a necktie even on formal occasions, and his unwillingness to be received in audience by the emperor, draw considerable press comment. See *Nippon Times*, May 24, 1947, and Jan. 23, 1948.

⁵ The *eta*, or social outcasts, are so regarded because of the occupations in which their ancestors were engaged. Though the *eta* were granted legal equality in 1867, the effect of centuries of discrimination continues. The *Suiheisha* (Water-Level Society), which works for *eta* uplift, and which is now led by Matsumoto, is an important affiliate of the Social Democratic party. Though the *Suiheisha* is a target of Communist infiltration, it is probable that Matsumoto's influence will continue to tie the group to the left-wing Socialists.

⁶ *Nippon Times*, Dec. 13, 1945. Ono expressed his disagreement with Socialist policy in a letter to the *Yomiuri Shimbun*, rather than through normal party channels. Such breaches of discipline on the part of Japanese Socialists are relatively common. Likewise, in January, 1947, the left-wingers, without consultation with other party officials, drafted and gave to the press their own program for meeting the economic crisis.

izations, and the chief officers of the Diet, should resign. This was a considerably stronger stand than that taken by the so-called Progressive party, which at the time controlled a majority. The latter held that the question of resignation should be left to the conscience of each individual Diet member.

Nevertheless, when initiative on this question of war responsibility had passed from the Japanese to SCAP (Supreme Commander for the Allied Powers), with the issuance of the basic purge directive on January 4, 1946, Socialists found that their party was not to go unscathed. When that party was originally formed, it had only 17 members in the Diet, i.e., the surviving war-time Diet, elected in 1942. Of these original *Shakaito* members, more than half were purged. Thus it is apparent that the organizers of Japan's Socialist party included men who, though in some instances hesitatingly, had "gone along" with their country's program of totalitarianism and aggression.

In the general election of April 10, 1946, the Social Democrats elected 92 of their candidates to the 466-member House of Representatives. The *Shakaito* received 9,858,408 votes, about 18 per cent of the 55,448,879 votes cast. Since the Socialists represented a new political organization, and since the old-line conservatives were notoriously well-entrenched, particularly in rural constituencies, this showing of the *Shakaito* may be taken as one evidence of the impact of defeat upon Japan's political life. Heretofore, Socialist and left-wing members in the Japanese Diet had constituted a mere sprinkling. In April, 1946, the Socialists demonstrated that they had become a major political entity.

When *Shakaito* voting strength as displayed in the 1946 election is analyzed on a geographic basis, some correlation between areas of the greatest population density and areas of heaviest relative support for the *Shakaito* is apparent. Such correlation is to be expected, but it should be pointed out that it is easy to over-emphasize the Japanese farmer's heritage of conservatism. A pre-war observer has stated that the "discontent and radical tendencies" which are usually associated with an urban proletariat are in Japan "mainly confined to the rural population."⁷ And Dr. E. H. Norman maintains that the Japanese peasant is by his heritage a social conservative but an economic radical.⁸ It may at least be suggested that if the Japanese farmers were not at present enjoying unparalleled prosperity—because of the post-war inflation and the enormous demand for foodstuffs—they would constitute an element of considerable potential

⁷ W. R. Crocker, *The Japanese Population Problem* (New York, 1931), p. 93. Quoted in E. H. Norman, *Japan's Emergence as a Modern State* (New York, 1940), pp. 79-80. Crocker's statement that radical tendencies are "mainly confined" to the rural population could not be defended as applicable to post-war Japan.

⁸ E. H. Norman, *op. cit.*, pp. 79-80.

strength for such a party as the *Shakaito*. It is an over-simplification to speak unqualifiedly of the "conservatism of the Japanese farmer" and to believe that this agricultural element could not conceivably become an important base of Socialist power.

The Shakaito Becomes the Opposition: April, 1946-June, 1947. In the first months after surrender, the *Shakaito* had shown at least the possibility that the split ranks of the pre-war proletarians had closed in a phalanx. Japan's left-wing political forces, buoyed up by their successes in the 1946 election, united to stage the giant "Down with Shidehara" demonstration on April 7. With the subsequent collapse of the Shidehara cabinet, the Socialists, by reason of the strength they had shown in the election, were given an opportunity to participate in a national coalition cabinet. That party, however, as the price of its participation, demanded that the premier be chosen from Socialist ranks. This was obviously tantamount to a refusal. Consequently, the Yoshida cabinet was formed solely by conservative parties.

This evidence of conservative cohesion stimulated further discussion of Socialist-Communist coöperation. The Socialists, as a result of Communist proddings for a "popular front," developed plans for the formation of a "Democratic League for National Salvation." Communists and left-wing Socialists favored inclusion both of leftist parties and of their affiliated bodies. Communists held that such a union of all democratic forces was necessary to ward off possible mass unemployment likely to result from industrial reorganization, to protect farmers from heavy taxes, and to oppose the government's oppressive policy toward mass demonstrations.

After interminable discussions and negotiation, the Socialists finally declared that conditions had not yet "matured" for Communist participation in the League, and voted against inclusion of the Communists. Socialists indicated that they would not ally themselves with mass organizations outside the Diet, but would follow the "legislature-first" principle. Left-wing Socialists—men like Kato Kanju, Suzuki Mozaburo, and Kuroda Hisao—stoutly opposed these decisions. But the right-wingers carried the day and adopted the suggestion of Morito Tatsuo,⁹ who master-minded the Democratic League. He insisted that the democratic movement could be better strengthened if the "battle-line" were shortened.

⁹ Morito Tatsuo became minister of education in the first Socialist cabinet. Originally an academic man, Morito in his younger days taught economics at Tokyo Imperial University, but was expelled because of his writings on Kropotkin. Morito's intellectual capacity, particularly his ability as a theoretician, is unquestioned. But some contemporary observers, particularly left-wingers, complain that his youthful enthusiasm has been dimmed and that he relishes theories for their own sake rather than for their social or political effectiveness.

The formation of the Democratic League for National Salvation is important, not because the organization itself became influential, but because it brought to an end serious proposals for Socialist-Communist co-operation. To be sure, Communists have continued to ask for Socialist support, and there have been many instances of coöperation between the two parties on the prefectural and local levels for campaign purposes; but not since the summer of 1946 has the Central Executive Committee of the Socialist party formally considered the question of an alliance with the farther left.¹⁰ The Socialists, at least the right-wing, were looking toward the practical matter of entering the government.

In the summer of 1946, Socialists were busy considering not only the question of inter-party relationships but also the provisions of Japan's new constitution.¹¹ Left and right wings were in disagreement as to how the Socialists could best use their advantageous position resulting from the fact that government parties alone did not control the two-thirds majority necessary for passage of the draft constitution. Right-wingers favored a conciliatory approach. They were willing simply to "bargain" with government parties. Left-wing elements sought to push their advantage to the limit and to demand that the final document include *in toto* the revisions favored by their party.¹²

A more precise idea as to the sort of constitution favored by left-wing Socialists can be gained from the recommendations made by the Institute of Socialist Political Science, a group of leftist scholars and social critics, some of whom are high in Socialist party circles. This group favored such principles as the following: election of a constitutional assembly, reference of the draft constitution to a referendum, an explicit statement of the sovereignty of the people, Diet approval for an emperor's accession to the throne, restriction of the emperor's prerogatives to ceremonial functions, and a unicameral parliamentary system.¹³

A number of these proposals were included among the amendments actually sponsored by the Social Democrats toward the end of the consideration of the draft constitution by the House of Representatives. These amendments were voted down by the House, but this did not prevent the Socialist party from voting the same day in favor of the Government draft. Reasons for this easy Socialist acquiescence are not hard to find: first, the draft constitution was an amazingly liberal document and none but the far-leftists could find much justification for strenuous opposition; and second, it was generally recognized that the original draft

¹⁰ Obviously, growing tension between the U. S. A. and the U. S. S. R. was one factor in cooling Socialist interest in a joint front.

¹¹ See H. S. Quigley, "Japan's Constitutions: 1890 and 1947," in this REVIEW, Vol. 41, pp. 865-874 (Oct., 1947).

¹² *Nippon Times*, June 27, 1946.

¹³ *Ibid.*, June 15, 1946.

had actually been prepared by occupation authorities and that consequently general acceptance was demanded by force of circumstances.¹⁴

Although the Government parties tried to take credit for adoption of the new liberal constitution, this achievement was not sufficient to bolster the waning prestige of the Yoshida cabinet. The continuing food crisis and an ever-worsening inflation made the cabinet increasingly unpopular. Such factors during the late summer and fall of 1946 brought the Government face to face with the rising tide of labor unrest. Public opinion polls indicated enhanced regard for the Socialists, not, perhaps, so much because of confidence in socialism as because of dissatisfaction with life under the conservative régime.

These conditions led the Socialists to embark upon an active anti-Yoshida campaign. Realizing the public's strong dissatisfaction, the *Shakaito* sensed the political necessity for standing as the champion of Japan's labor if labor forces were not to drift more freely into Communist ranks. Consequently, the party sponsored, on December 17, 1946, the great "Down with Yoshida" rallies throughout the nation.¹⁵

In the following weeks, Yoshida sought to bring some Socialists into his government. His obvious desire was, by affording labor representation in the cabinet, to lessen the clamor of the masses. Negotiations, long and involved, were complicated at various stages by such problems as the following: the left-wing Socialists' demand for a Socialist premier; Socialist insistence on dismissal of the unpopular minister of finance, Ishibashi Tanzan; disagreement as to the number and choice of portfolios to be assigned to the Socialists; and the question of eligibility, under the purge, of certain Socialists slated for cabinet posts. The problem was further complicated in its later stages by threats of a general strike, which many people believed were being made by left-wing Socialists (and Communists) for political purposes. In the end, however, on January 31, 1947, the general strike was called off by order of General MacArthur, and on the same day Yoshida revamped his cabinet so as to make it an even more thoroughgoing agency of the conservative parties.¹⁶ One week later, SCAP directed the Prime Minister to prepare for a general election "as soon as practicable after the close of the present session of the Diet." Leftist political forces, sullen because the conservatives had seemed entrenched in power and because SCAP had forbidden the general strike, hailed with approval the call for a new election.

¹⁴ See D. N. Rowe, "The New Japanese Constitution, I," *Far Eastern Survey*, Jan. 27, 1947. Cited in H. S. Quigley, "Japan's Constitutions: 1890 and 1947," *op. cit.*

¹⁵ The *Nippon Times* stated that some 500,000 people participated in the Tokyo demonstration. The writer was in Tokyo at the time and doubts that there were as many as 200,000 participants. Another huge anti-cabinet demonstration was staged on Jan. 28, 1947.

¹⁶ Coalition talk continued even after Yoshida's reshuffle of Jan. 31.

The politicians on the left, however, were angered and dismayed by the government-sponsored revision of the election law. The law had provided for large electoral districts in which the electorate was to vote for several candidates. The conservatives, shortly before the election, proposed a change to smaller districts, with fewer representatives, with each voter casting his ballot for only a single candidate. Said the *Nippon Times* editorially: "... it is ... obvious that ... a change at this time will markedly favor the conservatives and hamper the liberals ..."¹⁷ In spite of strenuous opposition from the Socialists and other opposition groups, Government parties were able to push through their own plans for revision.

In the campaign, Socialists used the allegedly unfair election law revision as a campaign weapon. Their party demanded, among other things, state control of the coal, iron and steel, and fertilizer industries, preparatory to state ownership. Doubtless, however, the real power of the Socialists lay in the electorate's discontent with the *status quo*, part of which was the Yoshida government. This last factor was probably most influential in producing the unexpected show of Socialist strength on April 25,¹⁸ when the *Shakaito*, by electing 143 members of the House of Representatives, became the leading political party in that House. It is obviously significant that Socialist power proved so formidable in spite of an election law rigged to favor conservative interests.

The Shakaito in Power: May, 1947-February, 1948. Since the Socialists had emerged from the election as the plurality party, their representation in the new cabinet was generally conceded to be inevitable, though there was some question of the *Shakaito*'s future rôle because the Liberal and the Democratic parties—the conservatives of Japanese politics—controlled a majority of Diet seats. Negotiations among the parties for formation of a new cabinet began shortly after the April 25 election and continued for more than a month. During these talks, Socialists showed themselves amazingly conciliatory: they did not insist on the premiership; they watered down their proposal for state control of key industries; they acceded to the Liberals' demand that no attempts be made to freeze the "new yen" or to stop interest payments on war bonds; they offered to exclude their left-wing members from cabinet posts. Until nearly the end of May, it appeared fairly certain that the new Government would be headed by a Socialist premier, but that all of Japan's major parties would participate in formation of a national coalition. But the Liberals, after

¹⁷ *Nippon Times*, Mar. 23, 1947.

¹⁸ Four elections were held in Japan in Apr., 1947: on Apr. 5, for the heads of local self-governing bodies; on Apr. 20, for members of the House of Councillors; on Apr. 25, for the House of Representatives; and on Apr. 30, for local assemblymen. Space limitations preclude analysis of Socialist strength in these several contests.

having formally promised their coöperation, and after having entered into an agreement on policy, suddenly and belatedly announced that they could not coöperate with the Socialists unless the *Shakaito* purged itself of all left-wing elements. Socialists obviously could not accept this demand, which would have meant disintegration of their party. Instead, the Socialists, the Democrats, and the Peoples' Coöperatives established a coalition government without the Liberals.¹⁹

The new Government was headed by Socialist Katayama Tetsu, who had been elected chairman of his party's central executive committee in the fall of 1946.²⁰ Katayama, born in Wakayama prefecture in 1887, was graduated in 1912 from Tokyo Imperial University as a specialist in German law. During his first years after graduation, he practiced law with his father in Wakayama. In 1919, he opened a legal consultant's office in Tokyo, specializing in labor cases. Since that time he has been active in various phases of the labor movement. Katayama has been prominent, too, in educational and religious fields. From 1920 until 1930, he was a lecturer at Tokyo Women's University—a Christian, American-supported, institution. Katayama is the author of several books: *Laws Relating to Women*, *Laws Protective of Mother and Child*, *A Practical Guide for Retirement Savings*, and *An Outline of Civil Arbitration*. Katayama was elected to the Diet three times during the 1930's. He remained there until the Tojo-managed election of 1942, though he had previously been ousted from the Social Mass party for opposing the expulsion of Saito Takao from the Diet in 1940. During the war, he retired from politics and devoted himself to the practice of law.

Katayama is not a dynamic personality; he has not proved himself an aggressive leader; he is not an astute politician. He is a Christian gentleman of broad tolerance, some vision, and unquestioned honesty. In spite of his right-wing Socialist sympathies, Katayama is respected by the leftists of his own party. His integrity and tolerance—not his political skill or acumen—have been significant factors in holding together the diverse constituents of the Socialist party.

Katayama's chief political adviser, and probably the Socialists' most capable politician, is Nishio Suehiro, who entered the Government as minister without portfolio and chief cabinet secretary. Unlike Katayama, Nishio has no academic background. He had no formal education beyond

¹⁹ The cabinet thus formed included 6 Social Democrats, 7 Democrats, 2 People's Coöperatives, and 1 Independent.

²⁰ Many Socialists, particularly left-wingers, had hoped that Oyama Ikuo, former university professor who had founded a proletarian party in the late 1920's, and who, under pressure from the militarists, had fled to the United States in the early 1930's, could return to Japan to assume leadership of the Socialist movement. But Oyama's return was delayed until October, 1947. Since then he has not taken an ostensibly active rôle in politics.

primary school, but has come up through the rough and tumble of union politics. Nishio frankly represents the right-wing point of view;²¹ he is a compromiser, a skillful handler of men. His practicality and Katayama's idealism have constituted an effective combination.

The first Socialist-led government in Japan's history began its tour of duty with some strength and much weakness: the Socialists enjoyed considerable public prestige; but they found themselves responsible for a Government the policies of which they could not in effect control; further, their chief coalition partner was an unsteady teammate—the Democrats were sorely divided on the question of coöperation with the Socialists; also, the *Shakaito's* ministers were men without significant administrative experience; and, always lurking in the background, was the disunity of the Socialists themselves; the left wing was a loose plank in the coalition platform.²²

The first Socialist government faced many and diverse problems, but none consumed more time, produced more political wrangling, or better symbolized the weakness of the coalition government than the attempt to increase coal production through some method of government control. The Socialists were, in principle, committed to nationalization, but they had estopped themselves from urging its application in order to fabricate a cabinet. However, immediately after the formation of the Katayama cabinet, Socialist Mizutani Chozaburo, minister of commerce and industry, stated that the Socialists would bring the coal industry under state control regardless of the Democrats' attitude. After a summer of wrangling, and extensive Socialist concessions, a government draft was decided upon in August. Mine-owners' opposition forced further amendment of this draft. In mid-September, the cabinet approved a draft bill, though its name was changed from "Temporary Coal-Mining State Control Bill" to "Temporary Coal-Mining Control Bill." Later in September, the bill was referred to the Mining Committee of the House of Representatives. This committee, though dominated by Government party men, never approved the bill, since a segment of the Democrats were violently opposed even to the mild measure to which the Socialists had by now consented. Eventually the measure reached the floor of the House and was passed on November 25. Councillors' approval came in early December.

The final measure obviously was satisfactory to no one, although the

²¹ No Socialist left-wingers were included in the cabinet, although Suzuki Mozaburo was talked about as a possible finance minister and Kato Kanju as welfare minister. The conservative parties insisted on left-wing exclusion as a condition of participation in the coalition.

²² For a criticism of the coalition from the left-wing viewpoint, see Suzuki Tomin, "The Japan Social Democratic Party and the German Social Democratic Party," in *Jinmin Sensen (People's Front)*, Aug., 1947. A digest of this article appears in *The Japan Review* for Sept. 5, 1947.

Socialists apparently believed that they had "saved face" by enactment of any sort of coal control measure; and the Democrats, although the issue had split their party, could claim that they had successfully resisted real nationalization. It is possible, however, that the debates on the subject constituted a valuable educative process for Japanese politicians, many of whom are traditionally more interested in following a leader than in formulating policy. The Coal Control bill brought the conflict of ideologies into the realm of practical politics. Left-wingers were shown the difficulty of translating theory into practice; right-wingers were shown the limits of compromise.

The dilatory tactics connected with enactment of this weak coal control measure gave the Japanese public what seemed striking evidence of Socialist ineffectiveness. Added to this were the ever-present food shortage, an aggravated inflation, and an unsatisfactory wage-price relationship. These factors together contributed to the coalition government's declining prestige, which was reflected in various public opinion surveys conducted in the fall of 1947.²³ Even labor, the Socialists' main strength, grew restive.²⁴

Closely connected with the waning of the Socialist vogue was a revival of intense intra-party antagonism which was more involved than the usual left-wing-right-wing quarrels. Hirano Rikizo, agriculture and forestry minister, and chairman of his party's campaign activities in the post-war elections, was piqued because Nishio and Katayama seemed to be siding with Wada Hiroo, director-general of the Economic Stabilization Board, rather than with himself, on certain technical economic decisions. Hirano's enormous and sensitive ego was wounded by this and, in all probability also, by Nishio's prominence as the generally-recognized effective power behind Katayama. Hirano also believed that Nishio had not taken a strong enough stand toward the left-wing members of the party.²⁵ Thus Hirano, dissatisfied with his position within the party and sensing declining fortune for the Katayama cabinet, undertook to plan for a new party alignment, and was even suspected of flirting with the Liberals. Socialist cabinet members, probably led by Nishio, charging disloyalty,

²³ See *Nippon Times* editorial of Nov. 29, 1947.

²⁴ The *Nippon Times* of Nov. 14, 1947, reported the warning given by Kan Makoto of the NCIO (National Congress of Industrial Organizations), on November 12, to 100,000 union members assembled in the Imperial Plaza. Kan stated that labor had previously gathered in the plaza to support the Katayama cabinet, but that if conditions did not improve, a mass meeting for the cabinet's overthrow might sometime be necessary.

²⁵ Hirano formed his own National Farmers' Union in July, 1947, after having seceded from the Japan Farmers' Union in February because he felt the latter to be under Communist dominance. After his purge, Hirano's strongest Diet supporters formed their own political party.

ousted Hirano from his post as agriculture and forestry minister and thereby alienated those right-wing Socialists closely associated with Hirano in the National Farmers' Union.

The situation was further complicated because at the time of Hirano's dismissal his disloyalty to the cabinet was confused with the issue of his possible purge, which did materialize somewhat later.²⁶ Consequently the Katayama government was placed on the defensive, since it appeared that the cabinet might be using the purge as a political weapon. The cabinet never recovered from the effects of the Hirano purge, which set off a chain reaction that shortly led to the Government's fall. With Hirano out of the cabinet, left-wingers sought to turn the situation to their advantage by securing appointment of a thoroughgoing left-wing minister of agriculture and forestry. This, however, was made impossible by the strong opposition of coalition partners who charged that such an appointment would run counter to the four-party agreement concluded at the time of the formation of the cabinet.

The left wing, incensed by this defeat, grew increasingly restive, increasingly influential in party councils, partly perhaps because, with Hirano gone, skillful Nishio could no longer play off right-wing elements against the left.²⁷ In any event, at the Socialists' National Convention held in mid-January, 1948, the right wing, though it was able to maintain its hold on party offices, suffered a resounding defeat when the left wing pushed through abrogation of the four-party agreement and thus committed the Socialists to a thoroughgoing Socialist policy regardless of consequences for the coalition.

Left-wingers did not wait long for another test of strength. They stoutly opposed a provision of the supplementary budget providing for increased railway and postal rates, said to have been demanded by SCAP.²⁸ Such increases were certain to be unpopular among labor elements, and it at first seemed likely that the left-wing Socialists were simply making a political play in order to hold labor's support. Most circles were considerably surprised, consequently, when the left-wing leaders held firm on this relatively minor issue and by so doing brought the collapse, on February 9, 1948, of Japan's first Socialist-led government. It is likely that the politically naïve left wing, while certainly recognizing the potentialities of

²⁶ The Hirano purge case was long drawn out and involved, particularly because Hirano, refusing to accept the decision of the Central Screening Committee, filed a law suit against the Committee. When the Tokyo District Court issued an injunction against the government and the Committee, ordering that Hirano be not purged, the Japanese Supreme Court issued a reversal of the District Court's action, though indicating clearly, by quoting a SCAP statement, that its action was the result of pressure from Allied Headquarters.

²⁷ *Nippon Times*, Jan. 10, 1948.

²⁸ *New York Times*, Feb. 15, 1948.

its action, staked its policy on a mistaken belief in the probability of compromise.

Conclusion. The Socialist party which emerged from the political reshuffle following Japan's surrender was a medley of political forces brought together by varying motives. These diverse origins have been reflected in an intense intra-party cleavage—between the perhaps overly “practical” right wing and the honest but politically naïve left wing—which has seriously weakened Socialist effectiveness, whether the party was in or out of office.

The Socialists' popularity gained rapid momentum, not because Japan's masses believed in Socialism or had real confidence in Socialist leaders, but rather because conservative forces had been tried and found wanting. As a result, the Socialists were saddled with responsibility before their leaders were prepared for it, and probably before significant economic revival was possible, regardless of the capabilities of the country's leaders.

The Socialists have failed to build a well-knit or politically-efficient organization; they have failed to agree on a well-thought-out practical program with which to meet Japan's pressing problems. The party had, however, served as the political agent for the bulk of Japanese labor, and in so doing may have prevented labor forces from affiliating with the farther left. It is to be hoped, although present circumstances seem to offer little basis for optimism, that in future the *Shakaito*, by sloughing off its incompatible elements on the right and the left, will serve as a rallying point for all Japan's truly Socialist forces and thus contribute to the development of a party system based on principles rather than on leaders or expediency.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

The forty-fourth annual meeting of the American Political Science Association will be held at the Palmer House in Chicago on December 28, 29, and 30. An effort has been made this year to reduce the number of conflicting meetings and to focus attention on major problems without overlooking desires of members to meet in smaller as well as larger groups. Emphasis has been placed on world problems and on the activities, methods, and techniques of political science. A general session on the presidential election of 1948 will open the program on Tuesday morning, December 28. Five open conferences have been scheduled for each of the two afternoons of December 28 and 29, and eight round tables will meet on each of the two mornings of December 29 and 30. Two or three luncheons will be addressed by prominent speakers, and an evening meeting is scheduled for the evening of the 29th, in addition to the evening meeting on the 28th at which the presidential address will be given. The following subjects will be dealt with in round tables or open conferences: New Trends in the Conduct of American Foreign Policy; The Problem of Civil Rights in America; International Problems of the Far East; The Problem of Executive Reorganization; Political Theory; Southeast Asia; The Polarization of World Power; An Appraisal of the Inter-American System; Anniversaries, 1848-1948; The Governments of Satellite States; The Political Scientist and Practical Politics; Measurement and Statistical Studies of Government and Politics; Methods of Teaching; As Others See Us; Public Law; Comparative Government; The Impact of Foreign Commitments on Administrative Organization; Local and Municipal Problems; State Legislatures; Political Behavior; Intergovernmental Relations; New Developments in Political Science; Labor-Management Relations in the Public Service; Business and Government; and The Role of the Political Scientist in Adult Education. A preliminary program giving the detailed arrangements is in the hands of the Secretary-Treasurer and will be distributed to the members of the Association in the near future.—JAMES K. POLLOCK, CHAIRMAN, COMMITTEE ON PROGRAM.

Dr. Charles A. Beard, president of the American Political Science Association in 1926, author of some thirty books on history and government, and long a leading figure in American scholarship, died in Grace-New Haven Community Hospital, at New Haven, Connecticut, on September 1 at the age of seventy-three. A suitable memorial will appear in the next issue of the REVIEW.

Professor Harvey Walker, of Ohio State University, secretary-treasurer of the American Political Science Association, received the degree of LL.B. from Ohio State University in June and in August was admitted to the Ohio Bar.

Dean Paul H. Appleby, of the Maxwell School of Citizenship and Public Affairs at Syracuse University, attended a seminar on integration of the Social Sciences held at the College of Social Science, University of Puerto Rico, from June 14 to July 30.

During the current year, Professor W. Hardy Wickwar is on leave from Hamilton College for service as a Social Affairs officer of the United Nations. He was on duty during the recent meeting of the General Assembly in Paris.

Dr. T. V. Smith, formerly professor of philosophy at the University of Chicago, has been appointed professor of citizenship and philosophy at Syracuse University and began his teaching duties this fall, conducting a new course entitled "The Theory and Practice of Democracy," sharing in a course, "Ethics and Social Science," offered jointly by the department of political science and philosophy, and teaching also in the department of English.

Dr. Robert Oxnam has been appointed assistant dean of the College of Liberal Arts and assistant professor of political science at Syracuse University. He received his bachelor's degree at DePauw University and his master's and doctor's degrees at the University of Southern California.

At Syracuse University, Dr. Alfred H. Cope has been appointed assistant professor of citizenship and assistant director of the Citizenship Program and Dr. Martin B. Travis, Jr., assistant professor of international relations.

Dr. Peter H. Odegard has resigned the presidency of Reed College to accept appointment as chairman of the department of political science at the University of California (Berkeley).

Professor Hans Kelsen, of the University of California (Berkeley), participated in the program of the annual meeting of the American Society of International Law at the University of Washington in August. He is taking sabbatical leave (in residence) for the fall semester to complete work on a manuscript.

Professor Norman J. Padelford, of the Massachusetts Institute of Technology, was called back to the Department of State during the past summer as consultant in the office of the Assistant Secretary of State for Transport and Communication Policy.

Dr. Theodore W. Cousens has been appointed to an associate professorship at Bucknell University.

Professor Edward G. Lewis, of the University of Texas, has accepted an associate professorship at the University of Illinois, where he has taken over the work in British and European government.

Dr. John H. Herz, from 1943 to 1948 associated with the Office of Strategic Services and the Department of State, has been appointed professor of international law and relations at Howard University.

Professor Lee S. Greene, of the University of Tennessee, taught at the University of Alabama during the second term of the recent summer session.

Dr. Max M. Kampelman, formerly a member of the political science department at the University of Minnesota, has joined the faculty of Bennington College, Bennington, Vermont.

Dr. Victor Thompson, assistant professor at the Illinois Institute of Technology, served as consultant to the National Security Resources Board during the summer months.

Miss Sonya Forthal is serving as interim professor of political science at Aurora College, Aurora, Illinois.

At the University of Minnesota, Dr. Asher N. Christensen has been advanced to a full professorship and Dr. Werner Levi to an associate professorship.

Mr. Thomas Page, instructor in political science and research associate with the University of Kansas bureau of government research, has resigned to resume his graduate study at the University of Minnesota.

Mr. Fredryc R. Darby, recently a member of the faculty of Vassar College, has accepted appointment as lecturer in political science for the fall semester at the University of California (Berkeley).

Dr. George A. Lipsky has been promoted to the rank of assistant professor at the University of California (Berkeley).

Professor Dwight Waldo, of the University of California (Berkeley), taught during the summer at San Francisco State College.

Professor Robert R. Benedict, of Boston University, spent the summer in England studying recent developments in European governments.

Dr. James Drury, who received his doctorate from Princeton University, has been advanced from instructor to assistant professor at the University of Kansas.

Dr. Francis Heller, of the University of Virginia, has been appointed assistant professor at the University of Kansas and will teach principally in the field of public law.

Messrs. Lowell Noonan and Robert Warren Tucker, former teaching assistants at the University of California (Berkeley), have accepted instructorships at Pennsylvania State College and Washington State College, respectively.

After a summer of research in Mexico, Mr. Wendell Schaeffer, until recently senior teaching assistant in political science at the University of California (Berkeley), has joined the faculty of the University of Florida as assistant professor.

Professor N. Wing Mah, on sabbatical leave for the fall semester from the University of California (Berkeley), has gone to China for observation and study.

Mr. Emile Ader, recently teaching assistant at the University of California (Berkeley), has accepted appointment as assistant professor at the University of Tulsa.

Dr. Herman H. Trachsel, of the State University of Iowa, has accepted a position as professor and head of the department of political science at the University of Wyoming, beginning September 1, 1948.

Since April, Professor Charles Aikin has been on leave from the University of California (Berkeley) and serving as assistant to Dean G. Acheson, vice-chairman of the Commission on Organization of the Executive Branch of the Government. He will continue with the Commission until its report is submitted in January, 1949.

Mr. Max Beloff, reader in comparative institutions at Oxford University, lectured during the summer session at the University of Minnesota on the topic, "British Foreign Policy Today," and Dr. Alfred de Grazia on "Scientific Difficulties in the Concept of the Majority."

At the Maxwell Graduate School of Citizenship, Syracuse University, Professor Alpheus Mason, of Princeton University, gave three lectures on July 26-28 on "Liberalism Enters the Crucial Phase."

Miss Ruth Roettinger, assistant professor of government, Winthrop College, Rock Hill, South Carolina, is one of five persons appointed by Governor J. Strom Thurmond to a committee of twenty-one created by the South Carolina legislature to make a study of the existing constitution and constitutional needs of the state.

Dr. Paul G. Steinbicker, chairman of the department of government at St. Louis University, has been reappointed by Governor Phil M. Donnelly

to a six-year term on the Missouri Personnel Advisory Board. The Board has jurisdiction over the state merit system prescribed in the new constitution of 1945, and covering about 6,500 of the state's 11,000 employees.

During the past summer, Mr. Irwin M. Tobin, of the U. S. Department of State, served as educational director of the Institute of World Affairs held at Twin Lakes, Salisbury, Connecticut. This institute runs for six weeks each summer and offers opportunity for relatively advanced American students to come into contact with foreign students and with stimulating lecturers in an informal academic atmosphere. Persons who have in mind possible candidates for scholarships in 1949 may communicate with the Institute's headquarters at 522 Fifth Avenue, New York City.

Dr. Harold R. Enslow is on leave from his regular work as director of training for the Division of Placement and Unemployment Insurance of the New York State Department of Labor and is making a special study for the New York State Education Department of certification of public accountants.

At Beloit College, Mr. Harry R. Davis, who has been doing graduate work at the University of Chicago, has been appointed to an instructorship and Dr. William S. Shepherd has been advanced to the rank of associate professor.

Professor Leo Gross, of the Fletcher School of Law and Diplomacy, will serve as visiting lecturer in international relations at Yale University during the coming spring term.

Professor Harold W. Davey has resigned his position at New York University to accept a professorship at Iowa State College. He will be teaching primarily in the general field of labor.

Dr. Mary Earhart Dillon has severed her connection with Northwestern University to accept an associate professorship at Queens College.

As a visiting lecturer from the University of Wales and Balliol College, Oxford University, Mr. Gordon K. Lewis is teaching during the current year at the University of Chicago.

At Dickinson College, Dr. Chester E. Jarvis has been promoted to an assistant professorship.

Dr. Albert C. F. Westphal, of the University of New Mexico, was recently made a member of the executive council of the American Society of International Law with a term ending in 1951.

During the summer of 1948, Professor Spencer Albright, of the University of Richmond, taught at the University of South Dakota during the first term and at the University of Arkansas during the second term.

During the current academic year, Dr. Gerhard Krebs, formerly of Western Reserve University, is serving as visiting professor at the University of Nebraska and teaching courses in political theory.

Professor Egbert S. Wengert, formerly head of the political science department at the University of Wyoming, has accepted a similar position at the University of Oregon. During August, he was in Washington, D. C. in his capacity of consultant to the National Resources Security Board.

At the University of Tulsa, Mr. Emile B. Ader, recently a teaching assistant at the University of California, has been appointed assistant professor. In addition to American government, Professor Ader will offer courses in international relations and political theory.

At Western Reserve University, Dr. William C. Rogers, of the University of Virginia, has been appointed associate professor in charge of the work in international relations, and Mr. James R. Watson, for the past three years director of the public administration training program at the University of Puerto Rico, has been appointed to a similar post to head a program of training for the public service.

At the University of California at Los Angeles, Professor Frank M. Stewart has resigned the directorship of the bureau of governmental research, which he has held since 1937, to give full time to duties in the department of political science. Professor Winston W. Crouch has been appointed his successor, effective July 1. Professor Crouch also has been appointed by the Los Angeles county board of supervisors a member of the county civil service commission. Los Angeles county adopted the merit system by county charter in 1913.

From part-time instructorships at the University of Minnesota, Miss Janice Christensen has been appointed instructor at the University of Texas; Miss Hattie Kawahara, instructor at Wayne University; Mr. Robert Fluno, assistant professor at Mount Union College; and Mr. Ivan Hinderaker, assistant professor at the University of California (Los Angeles). Mr. Rozendo Gomez, research fellow in intergovernmental relations, has been appointed instructor at the University of Arizona.

Recent appointments in the international relations division at the Massachusetts Institute of Technology include Messrs. James E. Boyce, Douglas J. Frontein, and John L. Rawlinson, formerly of the United States Foreign Service, as instructors. Dr. Pauline Tompkins has been appointed associate editor of *Current Readings on International Relations*, published twice a year by the Institute.

Professor Robert J. Harris, of Louisiana State University, served as visiting professor at the University of North Carolina during the second

half of the recent summer session, and Professor Walter H. Bennett, of the University of Alabama and Mr. James W. Prothro, graduate student at Princeton University, taught at Louisiana State.

Assistant Professor Nelson E. Taylor, Jr., of Tufts College, has accepted a post carrying similar rank at Louisiana State University, and Mr. Peter J. Fliess, graduate student at Harvard University, has been appointed also to an assistant professorship.

Dr. Walter T. Bogart, chairman of the department of political science at Middlebury College, has been promoted to a full professorship; Dr. C. Leonard Hoag, to an associate professorship; and Mr. Harris E. Thurber has been reappointed instructor for an additional year.

Dr. John Day Larkin, dean of liberal studies at Illinois Institute of Technology, has been serving as arbitrator of labor disputes in the Chicago area since the termination of the NWLB. He is currently a member of the Federal Mediation and Conciliation Service's panel of arbitrators, and serves on the Labor Panel of the American Arbitration Association.

Professor Herbert A. Simon, chairman of the department of political and social science at Illinois Institute of Technology, spent the summer in Washington, D. C., as acting chief, Management Engineering Branch, Organization and Management Division of the Economic Coöperation Administration.

Dr. Robert Mowitz, formerly at Syracuse University, has been appointed instructor in the department of government at Wayne University.

Professor Grayson L. Kirk, of Columbia University, taught at the University of California (Berkeley) during the recent summer session and offered courses on Basic Factors in International Relations and Contemporary Problems in International Relations. Professor Vernon Van Dyke, of Yale University, served as a member of the summer session staff at the same institution.

Mr. Edgar J. Davies, instructor at Louisiana State University, while completing a study of special districts in Louisiana, will devote all of his time during 1948-49 to the bureau of government research.

Dr. Charles S. Ascher is completing service as executive officer, Office of the Director General, UNESCO, to enter upon his new duties as professor of political science and chairman of the department at Brooklyn College at the beginning of 1949.

Professor James E. Pate, of the College of William and Mary, and research adviser to the Lower Peninsula Planning Commission's consolida-

tion study committee, has prepared a report on structure and services, with plans for consolidation of the local governments of the Lower Peninsula area, which the committee is now considering. As chairman of the Williamsburg Planning Commission, Professor Pate assisted in drafting a zoning ordinance which the city council has adopted as part of the city's master plan now in progress.

During the past summer, Professor Karl Loewenstein, of Amherst College, served with U. S. Military Government in Berlin, engaged in legal work. During the summer also, Professor Benjamin Ziegler, of Amherst, gave courses at Tufts College.

Professor Earl Latham, of the University of Minnesota, has accepted appointment at Amherst College as the first Joseph B. Eastman Professor of Political Science. The Joseph B. Eastman chair of political science is supported by the endowment of the Joseph B. Eastman Foundation at Amherst, established in 1944 as a memorial to the late public servant and administered by the trustees of the College with a view to increasing student interest in careers in the public service. During the summer, Professor Latham served as a consultant to the United Nations at Lake Success, Washington, Montreal, and Ottawa.

Dr. Ralph R. Temple, a member of the American Political Science Association's committee on judicial organization and administration, was engaged during the past summer, at the request of Chief Justice-Designate Arthur T. Vanderbilt, in organizing the offices of the clerk of the supreme court, the clerk of the superior court, and the administrative director, under the constitution and rules lately adopted in New Jersey. In 1942 and 1947, Dr. Temple made official administrative surveys of the constitutional courts in that state.

While on sabbatical leave from New York University during the first semester of the current year, Professor Rinehart J. Swenson is devoting part of his time to the completion of a manuscript. During Professor Swenson's absence, Professor Ray F. Harvey is in charge of the department. Dr. Theodore H. Skinner has been promoted to an associate professorship and Dr. Albert Somit to an assistant professorship.

At Miami University (Ohio), Dr. Warren Cunningham has been promoted to an associate professorship; Mr. Louis H. Douglas has been granted a semester's leave to complete residence requirements for the doctorate at Yale University; Mr. Alan C. Rankin has been given leave to assist in the reorganization of the Japanese civil service; and Messrs. James R. Woodworth and William K. Metcalfe have been appointed in-

structors. Professor-emeritus Burton L. French, now with the U. S. Civil Service Commission's Loyalty Board of Review, was given the honorary degree of LL.D. at Miami's June commencement.

Dr. Robert A. Walker has resigned as director of the Institute of Citizenship at Kansas State College to accept the post of assistant director of the Foreign Service Institute in the Department of State. He will be in charge of the School of Management and Administrative Training in the Institute, which is responsible for in-service training in these areas for the Department of State and the Foreign Service. Succeeding Dr. Walker, Mr. Carl Tjerandsen, formerly associate director, has been appointed director of the Institute of Citizenship at Kansas State, and Dr. Earl E. Edgar will serve as associate director.

Graduates of the Fletcher School of Law and Diplomacy in 1948 have accepted teaching appointments (as instructor unless otherwise indicated) as follows: Whitney T. Perkins, assistant professor, University of Denver; George A. Carroll, professor, Case Technical Institute; Pauline F. Tompkins, lecturer, Wellesley College; Mrs. Janet Norwood, Wellesley College; Guy E. Horsley, assistant professor, Washington and Jefferson College; North C. Burn, Washington and Jefferson College; Robert E. Lorish, Muhlenberg College; Gregory B. Wolfe, Pomona College; Jonathan D. Stoddart, George Washington University; Philip L. Bridgham, University of Hawaii; Austin Peck, University of Maine; Joseph E. Devlin, Jr., Allegheny College; and E. Leigh Sawyer, University of Connecticut.

At Rutgers University, Mr. Ardath W. Burks, formerly of the School of Advanced International Studies, has been appointed assistant professor in charge of courses on international affairs. Professor Bennett M. Rich served last spring as research consultant to the New Jersey Civil Liberties Committee, and during the summer as staff member, Civil Administration Division, Office of Military Government, in Germany. During the earlier summer, Professor John J. George was on exchange with Professor Carl M. Frasure, of West Virginia University, and later served as visiting professor at Pennsylvania State College.

Dr. M. H. Satterfield, head budget analyst of the Tennessee Valley Authority, has been appointed professor of political science at Vanderbilt University, at which institution he served as visiting professor during the 1948 spring quarter. In addition to teaching courses in regional and local government and public administration, Dr. Satterfield will serve as acting head of the department during the absence of Professor D. F. Fleming. Dr. Satterfield has been with TVA over twelve years, first as a member of the Government Research Staff and more recently of the Budget Staff.

The Walter J. Shepard annual lecture at Ohio State University was delivered on April 28 by President Peter H. Odegard of Reed College, now professor of political science at the University of California (Berkeley). His subject was "Frontiers of Freedom; An Inquiry into the Foundations of Western Civilization." A printed copy of the lecture may be had gratis on application to the Ohio State University department of political science.

During his current year on sabbatical leave from the University of California (Los Angeles), Professor H. Arthur Steiner is maintaining residence in central China, where he is continuing his research in Chinese government and politics. Professor Steiner was chosen one of the first Fulbright research scholars by the President's Board of Foreign Scholarships, and has received an additional grant from the Committee on Area Research Training Fellowships of the Social Science Research Council. He will also serve as visiting lecturer at Cheng Chi National University in Nanking (formerly the Central Political Institute), where he will deliver a series of lectures this fall on "The United Nations—Theory and Practice." While in China, he may be addressed through the United States Educational Foundation in China, American Embassy, A.P.O. 909, San Francisco, California.

At Boston University, Professor Don B. Leffler has resigned as chairman of the department of government and director of the bureau of public administration to accept a professorship at San Diego College, California, and has been succeeded in both capacities by Professor Lashley G. Harvey. Dr. John E. Brigante, lately of Princeton University, has been appointed assistant professor, and Mr. Stephen E. Schaner, of Cornell University, has been appointed instructor. Mr. Minos Generales will be in charge of the course on Latin American government and politics in the Institute for Regional Studies (Latin America), formerly in charge of the late Gasper G. Bacon.

The following members of the political science department at the University of Chicago are participating in a lecture series this fall entitled "The American Presidency" and offered to the general public under the auspices of University College: Messrs. Merriam, Tugwell, Brownlow, Pritchett, Price, and Morgenthau.

Middlebury College has instituted a special major in American civilization designed to meet the needs of students who desire during their college course to acquire a broad and comprehensive knowledge of the history, institutions, and culture of their country rather than to specialize in any particular department. The major is sponsored jointly by the departments of American literature, history, and political science.

A leaflet listing "Census Bureau Publications on Governments" has been issued by the Bureau of the Census and is available from that agency upon request. This bulletin describes briefly each of the eighteen reports on governmental finances and employment which the Bureau expects to issue in the fiscal year beginning July 1, 1948, and lists other recent publications of the Bureau regarding state and local governments.

A new organization to be known as the American Council on Japan has been established under the sponsorship of a group of eminent persons, nearly all of whom have had long experience with the country. Messrs. Joseph C. Grew and William R. Castle, both former American ambassadors to Japan, are honorary chairmen, and an organizing committee has established headquarters at 55 Liberty St., New York City. Study committees are to be set up, and a digest or magazine will be published.

The 1948 conference of the Governmental Research Association was held in Chicago September 8-11, with headquarters at the Congress Hotel. Principal topics for full-length meetings were "Community Development Councils and Governmental Research," "Citizen Agency Financing," "Problems in the Field of Public Welfare," "Current Developments in Governmental Research," "University Preparation for Governmental Research," "How Can Our Municipalities Best Be Financed," and "The Current Status of American Public Education."

Fellowships for graduate research and training at the Institute of Public Administration in New York City have been awarded to the following persons: Matthew J. Cullen, Jr., of Boston; Paul M. Douglas of Princeton; Val C. Mogensen of New Orleans; John R. Moot of Buffalo; Jane Eleanor Rinck of Glen Ridge, New Jersey; and George B. Toulmin of Mobile, Alabama. The six appointees were selected on the basis of their qualifications for careers in public administration and governmental research from among thirty-five nominees recommended by leading scholars and executives in these fields.

Four men who recently received their doctorates at Syracuse University have accepted teaching positions elsewhere. Dr. Glendon Schubert has been appointed assistant professor at the University of California (Los Angeles); Dr. Robert Mowitz has accepted a similar position at Wayne University; and Drs. John Hall and Robert Powers have become assistant professors at Oklahoma A. & M. In addition, three candidates for the doctorate have been appointed instructors elsewhere: Mr. Donald Herzberg, at Wesleyan University; Mr. Louis Menand, at Vassar College; and Mr. Brinley Lewis, at Colorado College. In addition, Lieut. Colonel Clarence Clapsaddle, who lately received a master's degree at Syracuse,

has been engaged to teach at the United States Military Academy at West Point.

The tentative program of the second annual meeting of the Western Political Science Association, to be held at Denver on November 26-27, provides for round tables and leaders as follows: "International Law and Relations," F. B. Shick, University of Utah; "The 1948 Elections," Boyd A. Martin, University of Idaho; "Political Science and the Community," Troy R. Westmeyer, University of Denver; "The Colleges and Public Service," C. L. Edwards, U. S. Civil Service Commission; "Problems in Modern Constitutionalism," Francis D. Wormuth, University of Utah; "Natural Resources and Public Administration in the Western States," H. Byron Mock, Bureau of Land Management, U. S. Department of the Interior; "The Task of the Western Political Scientists," Egbert S. Wengert, University of Oregon; and "The American Rôle in the Pacific Area," Floyd Cave, San Francisco State College.

The second annual Institute of Teachers of Government and Administration, sponsored by the School of Social Sciences and Public Affairs of the American University, with collaboration of the Washington Chapter of the American Political Science Association, was held during the period June 13-26, with some twenty teachers of political science in attendance, and is reported to have been very successful. The Institute's objective is to provide for teachers of government and administration an opportunity to hear and confer with leaders in the national scene concerning currently vital topics and to explore at first hand the nature and sources of federal documentary materials. A copy of the administrative report on the Institute's second session may be had from the director, Dr. Lowell H. Hattery, or from Mrs. Catherine Seckler-Hudson, both of the American University.

Announcement was made recently of the founding and commencement of operations of the Shinner Political Economy Research Foundation which will specialize on problems of monopoly and business-government relations with a view to guarding against depressions and strengthening the competitive system. Research will emphasize both the economic and the governmental aspects of these problems. The founder of the new institution is Mr. Ernest G. Shinner, a Chicago business man and banker whose interest in this field stems largely from his experiences and observations during the depression of the 1930's. Mr. David Cushman Coyle has been appointed director of research; while Dr. Marshall E. Dimock as president, Mr. Shinner as vice-president, and Messrs. Stuart Chase and Estes Kefauver comprise a board of management which will later be en-

larged. Projects listed for early attention include the administration of the anti-trust laws and the relation between size and efficiency in the structure of business enterprise.

The *National Tax Journal*, a new quarterly devoted to public finance, is now being published by the National Tax Association. The quarterly, the first issue of which is dated March, 1948, replaces the *Bulletin of the National Tax Association*, which had appeared nine times a year since 1916. The *Journal* will contain articles, notes, and book reviews on phases of public finance. Manuscripts should be sent to the editor, Professor Roy Blough, of the University of Chicago, at 1126 East 59th Street, Chicago 37, Illinois. Subscriptions, at \$3.75 a year, should be sent to the National Tax Association, P. O. Box 1799, Sacramento 8, California.

A second Brookings Institution Seminar on Major Problems of United States Foreign Policy was held at Stanford University June 21-July 3. Like the first Seminar, held at Dartmouth College last year, this one took place under the leadership of Leo Pasvolsky, director of the International Studies Group of the Brookings Institution. It was attended by almost one hundred and fifty persons from government (including the armed services), universities, foundations, groups interested in foreign policy, and the press. Discussions, which were strictly "off the record," centered around the positions of the United States and the major powers in world affairs, great power relations in the liquidation of the war and in building a new world order, the Japanese peace settlement, economic assistance to Latin America, the veto in the United Nations, and the teaching of international relations. It is planned that the discussions, which did not attempt to reach agreed conclusions, will be reflected in the final text of the 1948 Study Guide, *Major Problems of United States Foreign Policy*, and its supplementary materials. These publications of the Brookings Institution, initiated in 1947, have been of great assistance to political scientists and others interested in foreign policy, and have made a distinguished contribution to the animated discussion now going on concerning methods of teaching and research in international relations.

As part of its program of seeking to bring about a closer relation between the theory and practice of public administration, Public Administration Clearing House has defined two subjects on which it hopes to encourage more extensive research. One is "The Executive in American Democracy; His Rôle in the Development of Policy." The second is "Human Nature in Public Administration"—the general field of study on which research in administration overlaps recent studies in sociology, social psychology, anthropology, and related social sciences. In its work

in this field, the Clearing House has been consulting with an advisory committee consisting of William Anderson (University of Minnesota), Gordon R. Clapp (Tennessee Valley Authority), Rowland Egger (University of Virginia), Luther Gulick (Institute of Public Administration), Arthur W. Macmahon (Columbia University), and Leonard D. White (University of Chicago). The staff work on this program is under the supervision of Don K. Price, associate director of Public Administration Clearing House, assisted by Stephen K. Bailey, on leave from Wesleyan University; and Morton Grodzins, of the University of Chicago, is acting as consultant for the project on "Human Nature in Public Administration." The Carnegie Corporation of New York has made a special grant to support the program.

Advance Summary of Report of the Committee on Constitutional Structure of the American Political Science Association.¹ The Committee recommends that certain changes be incorporated in the constitutional structure and mode of operation of the Association in order to provide:

- I. That the President be given a better opportunity to acquaint himself with and participate in carrying out the policies of the Association.
- II. That the Association establish an office in Washington, D. C., for widened services to the Association, other Associations, and the public.

I.

One weakness in the constitutional plan of the American Political Science Association is found in the provisions dealing with the presidency. During the single year of his term, the President is compelled to shoulder heavy and growing responsibilities without adequate opportunity to plan for the work of his administration or to seek counsel from many of his fellow-members. To complicate the problem further, the President must make most of his important decisions early in his term of office. The Committee proposes that the man who is to serve as President shall be selected a year in advance of assuming office, and that at the close of his term as President-Designate he shall move automatically into the office of President. During his term as President-Designate, he shall serve as a member of the President's Executive Committee and participate with that committee in policy discussions. The Committee further proposes that a

¹ This report will be submitted for consideration by the Association at its annual meeting in December. To afford members an opportunity to study the proposals, the present summary has been inserted in this issue of the *REVIEW* after pages had been made up. *Man. Ed.*

permanent central staff of the Association be created, a staff that, among other things, will be able to serve as the Association's secretariat.

The Committee recommends that the present Executive Council be succeeded by an Executive Committee and a Council. It is recommended that the Executive Committee be composed of the President; the President-Designate; the head of the Washington office of the Association when provided; and three presidential appointees, one of whom shall be chairman of the Program Committee. It is expected that this proposed Executive Committee will meet with or otherwise be in communication with the President frequently and serve as a genuine arm of the executive, a function the existing large and scattered Executive Council cannot perform with ease. It is recommended that the legislative, electoral, and constituent powers of the existing Executive Council be transferred intact to the proposed Council. It is also recommended that this new Council be further democratized by changing it from a body of fifteen members serving for three-year terms to one of sixteen members serving for two-year terms.

The Committee recommends a number of minor constitutional changes. One calls for the abolition of the office of Assistant Secretary-Treasurer. This is merely to grant constitutional recognition to a *de facto* situation. Another defines in more exact language the terms of the officers of the Association, and a third makes explicit the terms of committees of the Association by providing that the term of each committee shall expire at the end of the year of its creation. One exception from this latter rule incorporated in the proposal is in the provision that in special circumstances committees may be created to serve for a period of more than the year of creation, but that in all such cases the terms of such committees shall be stated at the time of appointment. A final recommendation deals with resolutions. The suggested change is merely one requiring that the constitutional provision dealing with resolutions be brought to the attention of members of the Association prior to the annual meeting. Such a notice could be incorporated in the Preliminary Program, in the *REVIEW*, or in any other general mailing to members.

II.

The second major concern of the Committee was with the establishment of an Association office in Washington, D. C. It is recommended that funds be sought for such a purpose and that an adequate Washington office staff be selected. We are of the opinion that such an office could perform a variety of services for political scientists and for the nation. It would handle the general business affairs of the Association; an assistant to the editor of the *REVIEW* could work out of the Washington office; such an office could be instrumental in placing political scientists in active or

consultative posts in the government service; it could serve as a center for political scientists doing research in Washington and also could route information of a specialized character to especially interested members; it could serve both the government and political scientists in arranging conferences between public officials and selected members of the Association on pressing issues of public policy; and, finally, it could serve as a center to draw under the influence of the Association presently independent organizations of political scientists and could aid in coordinating the work of the Association with other social science groups working in Washington.

Limited space in the REVIEW prevents including in this note the exact wording of the proposed changes in the Constitution or a detailed statement in support of the proposal to establish an office in Washington.

WILLIAM T. R. FOX
JOHN GAUS
J. ROLAND PENNOCK
LEONARD D. WHITE
CHARLES AIKIN, *Chairman*

BOOK REVIEWS AND NOTICES

Economic Security and Individual Freedom; Can We Have Both? By ALBERT LAUTERBACH. (Ithaca, N. Y.: Cornell University Press. 1948. Pp. iv, 178. \$2.50.)

This book is essentially a political tract, an exercise in popular semantics and persuasion. The author seeks to explain, and to rectify, the confusion of meanings into which so many politico-economic discussions descend when the general question is raised as to the responsibility of government for establishing economic security. He believes that the social goals of freedom and security are polar concepts that are reconciled in the process of planning.

In order to justify this dialectic, Mr. Lauterbach finds it necessary to cast out the Lucifer of twentieth-century devils, the attitude that society really can do nothing about the problems that produce mass insecurity. The lesson is clear from the past fifty years that society must act through government to avoid the misery of both economic depression and political oppression. Once this paradox is grasped, it follows that *laissez-faire* in any literal sense has become obscurantist utopianism. For different reasons, the communist and fascist "solutions" must be rejected for the devastating effects they produce in the form of popular irresponsibility when the people are persuaded to repose complete confidence in any single political party or ideology claiming absolute knowledge for resolving the great dilemma.

Following this brief essay in historical interpretation, the author analyzes such prescriptive labels as free enterprise, socialism, planning, social control, and the meaning of each in relation to democracy. At one early point (p. 11), he seems to say that the proper criteria for evaluating such ideas are "the comparative economic efficiency" and "social desirability" of the various systems of politico-economic organization to be analyzed. But this gesture toward logico-empirical procedure is not followed through. The line actually taken is to present a conceptual spectrum of the possible types of planning, and then to list seven methods of social control by which society at one time or another has actually used government to direct and guide economic activity. Having distinguished eight possible types of planning and not-planning, and seven methods of social control (not all being mutually exclusive), the author arrives at the position that these controls should be coördinated and applied to essential areas of public need at strategic points of policy control at the top, subject of course "to constant criticism and periodic free elections" (p. 87).

Planning is defined (pp. 63-64) as "a conscious choice of priorities by public agencies in the interest of social goals of a specific character." From this definition, says our author, it is clear that society may use any one or

a combination of all methods of social control in achieving the selected goals. From the standpoint of society, it is an incidental, though important, problem of utility and convenience as to whether public or private enterprise (mixed or separate) is to be utilized in any particular area. There is no necessary reason why the basic values of individual liberties and incentives are incompatible with the assertion of public responsibility at top policy levels. We may assume that the managerial skills of delegation and supervision, differential remuneration and advancement on the basis of meritorious accomplishment, effective worker participation and high morale, can be mobilized in the pursuit of public goals no less than for private accumulation. It is sufficient then to specify that "in selecting leaders for the control of economic life, society should follow the established processes of democracy, reinforced by a number of genuine improvements . . . such as the modernization of parliamentary procedures" (p. 117). "There are convincing reasons for believing that the Bill of Rights can be applied as easily to a society that controls its economic development as to a society that lets it run amuck" (p. 136).

The book should be read, if not for its novelty, to appreciate the full flavor of its intellectual flexibility, and for the engaging brevity with which it disposes of the sacred cows that block the application of systematic intelligence to the solution of social problems. It also provides an excellent illustration of the blind spot in much planning literature, namely, the implicit assumption that mass popular acceptance of planning awaits only the giving to the people of a chance to stand up and be counted (presumably by proportional representation) on the question of whether they wish to be governed by those who believe in the proper kind of planning.

Washington, D. C.

AVERY LEISERSON.

Freedom and the Administrative State. By JOSEPH ROSENFARB. (New York: Harper and Brothers. 1948. Pp. xiii, 274. \$4.00.)

Mr. Rosenfarb, for nine years on the legal staff of the National Labor Relations Board and now working in labor arbitration, takes the thesis that a planned economy is inevitable in the evolution of social forces in our world, but that the United States can still choose a democratic form of administrative state with freedom preserved for individuals. By freedom, he means "the condition in which man can fulfill his capacities, his drives, and his appetites." By democracy, he means that final control of public policy should be in the hands of individuals acting in groups, although individuals will not share equally in the possession of power because a pyramid and *élite* will form in any type of state.

His presentation is divided into four books: I. The Genesis and Evo-

lution of the Administrative State, in which he takes a psycho-anthropological approach to what he sees as the evolution from individual quest for power to the necessity for planning and social control in our contemporary economy; II. Freedom and Democracy in the Administrative State, in which he argues that freedom can be served rather than dispelled in the emerging state; III. Labor Relations in the Administrative State, in which he advocates unions, democratically conducted, but thinks government must be dominant in settling disputes; and IV. Law and Government in the Administrative State, in which he suggests changes in government to make it ready for its rôle, but proposes to retain both executive and legislature and to continue free elections.

There are so many ideas in Mr. Rosenfarb's treatment that it is impossible to review them all. A selection of some of his main points will indicate the way he is thinking. He proposes some solutions to the dilemma of how to preserve democracy in the face of the historical trends brought on by technological development.

The essence of the planning which is necessary is, he thinks, to link supply with demand by direct administration by government. Based upon "accurate estimates of the desirable yearly production in each industry, . . . the government would then assign a quota of production to each producer in the industry to fill, guaranteeing him against loss if he failed to sell the product." Full employment would supply the purchasing power to absorb all products except a small margin allowed for error. The planning and control of production for the recent war would be carried into peacetime. This production was not the work of private enterprise alone, he points out, but of "private enterprise integrated by a democratic state."

To eliminate conflict between the executive in government and the legislature, as well as to provide more responsibility to the electorate, he finds the British cabinet system to be the solution. The United States might well adopt it with its mutual checks and balances on the tenure, but not on the power, of the executive and legislature. Or we might make the term of the President and that of Congress coterminous, giving the President the authority to dissolve Congress for a new election whenever disagreement became serious. The President might have a cabinet composed of his own appointees plus some appointed by Congress.

Mr. Rosenfarb draws conclusions with assurance in a most difficult field. He is dealing emphatically with a subject perplexing many earnest students who are trying to find the pattern of political evolution and to chart the future. One wishes that he showed more awareness of the complexities and more grasp of the realities to be considered. Instead, he follows a tendency to state firm, clear answers that leave a lot of questions unanswered, indeed unmentioned.

Often he resorts to the word "should," as "We should follow the British

example," and while it may be pleasant to indulge in opinions, this is too easy a way out of difficulties to merit much intellectual respect. The experienced reader will want more profound suggestions, to be offered only after wrestling with the manifold forces that operate in our world. Mr. Rosenfarb's opinions are generally interesting, but unconvincing because they are too thinly supported.

Still, the whole question of how to adjust with freedom to the administrative state is so significant that it is encouraging to see this book appear. The more discussion of the subject, the better for our understanding of this basic issue of contemporary development in government.

University of Wisconsin.

JAMES L. McCAMY.

Democracy—The Threshold of Freedom. BY HAROLD F. GOSNELL. (New York: The Ronald Press Company. 1948. Pp. v, 316. \$4.00.)

This volume is really two books in one. The first part deals with problems of the suffrage and the second with representation. As one might expect from Dr. Gosnell, the analyses are based on the assumption that some aspects at least of government may be made scientific and that significant hypotheses may be tested by quantitative or experimental methods. Thus Dr. Gosnell provides a mass of tremendously useful data on both topics. Not only are our own experiences drawn upon, but those of other countries as well. He discusses the extension of the suffrage to the poor, to women, and to Negroes. Age requirements, literacy tests, residence requirements, suffrage for the inhabitants of the District of Columbia, and many other pertinent issues are examined. He maintains the thesis that only when a group in a democratic country possesses suffrage can it guard its political position. He also develops the proposition, however, that suffrage is but the beginning (the threshold) or the opportunity, the use of which depends upon the individuals concerned. Such persons must learn how to employ this opportunity in order to secure their fair share of the benefits conferred by the state.

There are six chapters on representation, covering such topics as the different origins of representative assemblies, the effects of different devices of representation, the relationship of the legislator to his constituents, legislative response to political pressures, etc. Chapters on "The Representative," "The Significance of Occupation of Representatives," and "Organized Institutional Control Over Representation" are included. At the close is a chapter on "The Competence of the Voter" and one on "Democracy and Values." Consideration is given to the tools the voters have with which to perform the tasks of democracy, and to the relationship of democracy to different value patterns.

The author agrees that only the most general questions can be decided by the voters and that issues must necessarily be couched in vague lan-

guage. Nevertheless, he insists that a voter can count on sufficient information to make an intelligent choice in a modern democracy if it has universal free education, well-developed and responsible press and radio industries, well-balanced political parties, fully formed nonpartisan civic groups, and a tolerance of opposing opinions. Obviously these are big "ifs," and all of those countries which call themselves democracies fall far short of the democratic ideal.

The materials here presented are most timely and will be useful not only in introductory courses in political science, but in courses on political parties, comparative government, and international politics as well. In this period of world-wide cold conflict of ideologies, race tension, and common-man consciousness, it is well to reexamine and reevaluate democratic practices and democratic principles and to recognize, as the author so convincingly indicates, that the kind of order envisaged by the tenets of democracy is one based on peace, orderly methods for deciding disputes, and the brotherhood of man, regardless of color, history, physical characteristics, or early conditioning.

Ohio State University.

E. ALLEN HELMS.

The Principles of Public Administration; A Study in the Mechanics of Social Action. BY RICHARD WARNER (London: Sir Isaac Pitman and Sons, Ltd. 1947. Pp. viii, 212. 15s.)

This book, according to the author (p. viii), "is an attempt to survey the whole field of public administration . . . and to formulate, it is believed for the first time, a series of analytical principles by which the subject may be presented as a separate topic or discipline in the social sciences." Its approach is in interesting contrast to that followed by most American textbooks on the subject, since little emphasis is given to budgeting, personnel, organization, and the other usual topics.

The analysis is Aristotelian in its search for first principles, and the author tends to regard "public administration" as the obedient servant of the political arm of the state (Parliament). That political issues might be influenced or settled by the actions of public administrators and that ideological concepts and beliefs of persons carrying out the broad directions of the legislature might affect the end product are hardly recognized. To the author, public administration governed by his deduced principles is the mechanism of the "service state," and he deals with the problem in a framework analogous to that used in American texts on municipal administration. No doubt in part this reflects the British parliamentary system, with its coalescence of the executive and legislature. It also reflects the deep-rooted traditions of the British civil service. In contrast, the past fifteen years of American public administration of federal functions have

witnessed dynamic and often bitter struggles over policy within agencies and between agencies without particular guidance from Congress.

The heart of this book is Chapter II wherein are stated the eight principles of public administration, namely: (1) the principle of political direction, (2) the principle of public responsibility, (3) the principle of social necessity, (4) the principle of efficiency, (5) the principle of organization, (6) the principle of public relations, (7) the principle of evolution and progress, and (8) the principle of research.

Each of these principles is broken down into sub-principles which in form and style remind the reader of a legal "Hornbook." Thus under the first principle appear ten derivatives, numbered 1.01 to 1.10 respectively; the first of these, for example, reads: "1.01. Since the ends it pursues are not of its own devising, public administration serves the will of others. That will is formed and expressed by political, not by administrative, machinery." Sub-principle 4.01, under the principle of efficiency, asserts: "The transformation of one set of social conditions into another by public administration involves effort and cost, which is the 'coefficient of social transformation' or the cost of public administration." Although the author goes to some length to distinguish his "principles" from mere "prudential rules or maxims," one is at a loss to grasp the distinctions he makes. As general propositions, however, one could hardly take issue with his principles.

In the context of these eight principles, subsequent chapters consider "Occupational Diseases and Merits of Public Administration," "Bureaucracy, Truth or Bogey," "The Control of Public Administration," "Public Administration and Private Enterprise," "The Progress of Public Administration," and "Public Opinion and Public Administration." Of these chapters, perhaps the most significant to the American reader interested in comparative administration is that on "Control of Public Administration," for it is a concise summary of British practice.

The author's style is quite readable and his combination of matter-of-fact sophistication with what appears to be naïveté of expression is at times almost entertaining. The book as a whole contains many worth-while observations on the nature and function of public administration and should be of value as reflecting a British point of view.

City College of New York.

NORMAN WENGERT.

Public Opinion and Propaganda. BY LEONARD W. DOOB. (New York: Henry Holt and Company. 1948. Pp. xxi, 600. \$5.00.)

The author of this volume is professor of psychology at Yale University, and author of *Propaganda—Its Psychology and Technique*, published in 1935. During World War II, he was chief of the analysis division, Office of

the Coördinator of Inter-American Affairs; chief consulting psychologist, Military Intelligence, War Department; and policy coördinator, Overseas Branch, Office of War Information.

The first ten chapters deal with the nature and determinants of public opinion; the mechanics of public opinion polls; their social value and importance. Public opinion is defined as "people's attitudes on an issue when they are members of the same social group." The author emphasizes that opinions are derivatives of attitudes which, in turn, are products of the many factors which make individual personalities what they are. Hence, the study of public opinion is necessarily a study of human behavior. Appropriate consideration is given to such environmental factors as cultural heritage, socialization, leaders, and events; also the psychological concept of stimulus and response, personality, drives, habits, attitudes, rationalization, displacement, compensation, projection, identification, conformity, and simplification. One may accept Professor Doob's thesis that "an understanding of human behavior can provide insight into public opinion and propaganda" without being much enlightened thereby, since, as he convincingly shows, so little is known concerning individual and group behavior. Personalities, attitudes, and opinions are the products of the interaction of a multiplicity of factors. Of this we may be fairly certain. What psychology seems unable to discover, however, are the laws or principles governing the relative influence of such factors and the process of opinion formation.

Professor Doob launches a jet attack on Cantril's seventeen "laws of public opinion," only to hazard another set of "principles" as follows: (1) "Public opinion remains latent until an issue arises for the group; (2) Actual public opinion, therefore, is an attempt to diminish conflict, anxiety, and frustration; (3) Public opinion requires conformity; (4) Internal public opinion becomes external public opinion when: (a) the drive strength of the attitude is great; (b) knowledge exists that the expression of attitude in action will be rewarding rather than punishing."

Of particular interest to political scientists are the chapters on "The Evaluation of Polls" and "The Importance of Public Opinion." With reference to polls, the author concludes that "the reliability of most polls is always in doubt" (p. 144); that "the record of the very few polls whose validity has been determined by comparing the results with actual behavior is not particularly impressive" (p. 149); and that "public opinion polls have contributed little or nothing to scientific theory" (p. 159). The chief value of polls, in Doob's opinion, is the determination of short-range facts and the measurement of the effects of propaganda.

In discussing the age-old problem of the competence of the masses to decide questions of public policy, Professor Doob cites with approval Lippmann's views regarding the limitations of public opinion, and questions the motives of "pollsters" who, in expressing "their faith in de-

mocracy by extolling the virtues of public opinion . . . are seeking to justify their own preoccupation with the data of public opinion by emphasizing the importance of those data" (p. 200). His conclusion is: "Public opinion then, has its limitations. People can be stupid and they can be wise. Their reactions depend on their expertness, and their expertness depends on their drives and their knowledge. Experts can give better judgments about aspects of some problems, but experts cannot necessarily prescribe the good life. Over a long period of time, people decide their own fate" (p. 207).

Of the three basic problems of public opinion—how to find out what it is, how to define its rôle, and how to improve its quality—the present volume gives detailed consideration to the first, some attention to the second, and little to the third. In a sense, however, the seven chapters devoted to propaganda constitute a negative attack on the problem of quality by showing how propaganda affects the formation of opinions and distorts them. Defining propaganda as "the attempt to affect the personalities and to control the behavior of individuals toward ends considered unscientific or of doubtful value in a society at a particular time," Professor Doob uses the familiar pattern of communication analysis to consider who propagandizes what, to whom, and with what effect. Chapters are devoted to the propagandist, the content of propaganda, the audience, and media. Exceptions are taken to much of the research that is labelled content analysis. It is in connection with his examination of the audience that Doob is able to re-apply the long list of propaganda "principles" which he formulated in 1935. On the whole, the chapters on propaganda seem labored, artificial, and inconclusive. Perhaps this is inevitable when the theoretical takes the place of the historical and descriptive. The "principles" never seem to get down to a working level. Moreover, looking at the world through propaganda glasses, and seeing all forms of communication as propaganda types, seems to warp social perspectives. Propaganda needs to be seen for what it is, merely one aspect of the whole communication process. It is primarily because of the author's absorbing, virtually exclusive, preoccupation with propaganda as such that the three chapters on press, radio, and motion pictures lack completeness. These agencies are surely something more than media of propaganda in the sense in which the author defines the term propaganda. Propaganda analysis becomes sterile or misleading when it is not geared to a broad communications approach.

This is a sophisticated study. Professor Doob subjects the fields of public opinion and propaganda to penetrating analysis and criticism. He is much more keenly aware of the difficulties confronting the student of public opinion than many a pollster, journalist, and political scientist. He has admirably summarized these complexities in the final chapter, where he boldly asks: What price public opinion analysis? These complexities are of four kinds, he says: the problem of defining terms; the problem of

measurement; the problem of placing data within the framework of a consistent set of theories; and, finally, "the ogre of interaction among numerous factors." No student of government and politics can well afford to ignore the psychological foundations of his subject. If knowledge of human behavior is inadequate, it is better to face the facts than proceed as though we knew it all. Professor Doob has done a commendable service by cleaning away much accumulated under-brush of myth, fantasy, dogmatism, and muddled thinking that impedes the intelligent study of public opinion.

Princeton University.

HARWOOD L. CHILDS.

Civil-Military Relationships in American Life. EDITED BY JEROME G. KERWIN. (Chicago: University of Chicago Press. 1948. Pp. x, 181. \$2.75.)

This volume consists of eight essays which present a major problem in the United States, that is, how to avoid militarism and to continue the fundamental American tradition of civilian control of governmental policy while maintaining a huge post-war military establishment with its pervasive influence not only in government, but also in science, in education, and in industry. As the United States can no longer enjoy peace and security without effort, the reconciliation of our democratic ideals and practices with even a somewhat diluted brand of military control presents an unprecedented difficulty. Its attempted solution should not be left entirely to the judgment and conscience of military leaders. The scholarship and technical competence of the respective contributors are well known. Four have had experience in the armed services; all are acutely aware of the dangers of military usurpation, but are equally aware of the present uncertainty concerning the ability of international organizations to preserve the peace.

Waldemar Kaempffert demonstrates the close relationship between scientific experimentation and the techniques of war. From the invention of gunpowder to the fission of uranium, physical science has felt the impact of war and has made important contributions to war; today, biological science and medicine are increasingly utilized. The ever-tightening grip of the military upon scientific research in time of peace, supported by the lavish use of public funds; creates a clear and present danger, made greater because of the neglect of the social sciences.

The important problem of recruitment and training is discussed by Hanson W. Baldwin. He rejects universal military training as unsuited to our technical needs and as dangerous to American concepts. He argues cogently for a professional force recruited by voluntary enlistment and highly trained for atomic-age warfare. Baldwin's program recommends a more effective understanding between the military and diplomatic serv-

ices, a competent intelligence system, and a home-front defense for disaster-control.

The practical difficulties in securing and retaining an effective civilian control of the military establishment are explained by Paul H. Appleby. The secretary of national defense, unless he is merely a civilian advocate for the insatiable demands of the military, should advise the President and assist him in representing the public interest. Civilian control must be exercised through political channels and by political officials, and he outlines the administrative techniques by which military administration, planning, and operation can receive systematic civilian review.

Many Americans today are deeply concerned, and with considerable justification, at the influence of the military in the conduct of foreign affairs. Quincy Wright gives an able analysis of the constitutional aspects of the situation and shows that, in the past, the military mind has not been a significant factor in the United States. He recommends that military opinion and military method in foreign policy be supplemented by more adequate presidential staffing, better intelligence from non-military sources, and more coördination at the lower levels through informal contacts between State Department and defense department officials.

T. V. Smith describes with characteristic felicity of phrase the civil and military relationship in conquered areas. Despite the great differences in the various peoples involved, his opinion is that military government was conducted with reasonable conformity to some of the cardinal principles of our political faith, including the separation of powers and the separation of church and state. In fact, the military in certain places became an instrumentality to assist in the organization of civilian government. In his revealing appraisal of the returned veteran, Dixon Wecter describes the transition from soldier to civilian, the attitude of the veteran regarding national and international issues, veterans and veteran organizations in civilian activities and in politics, pressure and otherwise. Adlai Stevenson observes some tentative, but encouraging, factors in civil-military relations in the United Nations.

A lucid restatement of the problem of civilian control in American political institutions is presented by Charles E. Merriam. Security for America, he asserts, cannot be obtained through isolation, with or without militarism. It is conditioned upon a jural order of the world maintaining peace, a democracy that will distribute fairly the gains of civilization, and a recognition of common values and common ideals.

Stanford University.

THOMAS S. BARCLAY.

Farming and Democracy. BY A. WHITNEY GRISWOLD. (New York: Harcourt, Brace and Company. 1948. Pp. ix, 227. \$3.00.)

In this scholarly book, Griswold examines owner-operated family farming as the "backbone of democracy." He places the history of this idea

parallel with the development of policy for agriculture in England, France, and the United States. In Britain, the enclosure acts, primogeniture and entail, and emphasis upon "scientific farming" led to landed estates and a system of gentleman (tenant) farmers. Repeal of the Corn Laws marked the British departure from supporting agriculture and the agrarian way of life to a policy "in favor of cheaper food and greater commercial opportunity" (p. 66). Later efforts to favor family farms through "small-holdings" acts proved failures. In France, adherence to private property, and the heritage of the Revolution in abolishing feudalism, establishing equal rights among heirs, and redistributing confiscated land—all these, plus population pressure, have made for *parcellement*, "the major curse of French agriculture" (p. 88). Thus France remains with some 36 per cent of her working population in agriculture, on some 4,000,000 holdings, of which only four per cent exceed 125 acres. In contrast, Britain has six per cent of her working population in agriculture on 450,000 holdings, of which 21 per cent (comprising two-thirds of the agricultural land) exceed 100 acres. So far, no policy of *remembrement*, or consolidation of agricultural holdings, has been able to reverse French agricultural development. Whereas Britain merely ignored Jefferson, the wretched conditions of French peasantry "resulted from a corruption of the Jeffersonian ideal rather than its fulfillment, from the exaggeration of its several elements: individualism, agrarianism, *laissez faire*, *laissez passer*" (p. 127). In the United States, "our greater wealth of land and natural resources has enabled us . . . to industrialize like the British and protect the agricultural *status quo* like the French . . ." (p. 175).

In any event, democracy has no particular champion in agriculture. No force other than democracy "is likely to control and direct 'the sweep of mechanization' toward democratic ends, in farming . . . or in any other field of enterprise. . . . The lesson is plain in history. Family farming cannot save democracy. . . . Only democracy can save the family farm" (p. 204).

Considering Griswold's ability in research and expression, it is unfortunate that his emphasis is so strongly upon developments in farm sizes and the distribution of income to farmers and among farmers. Thus the following are either neglected or cursorily mentioned: the relationship of farmers and farm organizations to political parties; farmers' electoral participation; farmers' share in public office (either appointive or elective); and the nature and effect of farmers' pressure for goals other than those immediately involved in agricultural policy, e.g., for or against extension of the suffrage, reform of elections, "democratization" of political parties, extension of public education, and regulation of business. Such analyses would give more point to sweeping comments on p. 180.

Some detailed comments: FSA coöperative farms were managed by

men employed and paid by the government (p. 168). The land-use planning program was not suspended during the war, as implied on p. 185, but specifically proscribed by Congress. The Grange is also strong in the Pacific Northwest, and the Farmers' Union would be more correctly identified with the northern great plains and Oklahoma (p. 190). Although the increase in tenancy to 42 per cent of all farmers in 1935 is according to the census, Black's analysis led to the conclusion that "only one farm in four in the United States has a bona fide tenant upon it." *Parity, Parity, Parity* (1942), p. 21, cf. Griswold, pp. 5-6. Again (pp. 129-30) the striking decline in agricultural population, from 30 to 25 millions (approximately) in 1940-45, is over-stated by acceptance of the 1945 Census figure of 23,558,000, without noting the qualifications which suggest considerable under-enumeration in 1945, because of changed methods (Census of Agriculture, 1945, Vol. II, pp. 279-81).

CHARLES M. HARDIN.

University of Chicago.

The Memoirs of Cordell Hull. (New York: The Macmillan Company. 1948. 2 vols. Pp. xii, 1804. \$10.50.)

There is already a considerable literature, in the nature of "inside information," on Franklin D. Roosevelt and his administration, the events leading up to World War II, and the complex problems, military, diplomatic, economic, and political, of the war itself and of the uneasy peace that is its aftermath. The recollections of James A. Farley, Raymond Moley, Frances Perkins, Henry L. Stimson, Harold L. Ickes, and Harry Hopkins are significant contributions to an understanding of this supremely exciting period of our history, and now Cordell Hull has added his memoirs to the list. In two volumes, eight parts, 124 chapters, and nearly 2,000 pages, Hull tells his story of these years, and the bulk alone is suggestive of its scope and detail. One part, consisting of twelve chapters, and less than one-tenth of the book, is devoted to his early life and political career; all the rest deals with his twelve years as Secretary of State and with the problems of foreign policy with which he was directly concerned.

Those problems included, however, Hitler and his Germany, the Manchurian affair, Mussolini and the Ethiopian affair, disarmament, Russian recognition, the Good Neighbor policy, the trade agreements program, relations with the League of Nations and World Court, the League sanctions against Italy, neutrality, lend-lease, Japan and Pearl Harbor, relations with Spain, relations with Vichy France, relations with De Gaulle, relations with Russia, the development of the United Nations, and the vast complex of diplomatic and quasi-diplomatic problems in connection with the war operations—one needs but to recall them to appreciate the

number and variety and importance of the problems with which Hull deals in these volumes; and in respect to these problems Hull provides a painstaking account and a most revealing insight into the individual officials, viewpoints, and methods of the State Department, the White House, Congress, and other agencies that brought about some kind of policy or solution in each case.

At the time of Hull's appointment as Secretary of State, many were surprised, and some doubted his qualifications for the post. Actually, his rigorous upbringing and limited formal education in the Tennessee mountains developed honesty, tenacity, sincerity, and a self-reliance that were notable characteristics of his conduct of foreign policy; his political experience—state legislator at 21, circuit judge at 31, member of the House at 34 and for ten terms, member of the Democratic National Committee for 14 years and its chairman for three years, Senator for two years when appointed to the cabinet, always active in Tennessee and national politics—tended to make him cautious and tolerant, but also persistent and even courageous, if not highly imaginative, in pressing for the ultimate policy in which he believed.

Hull's close relations with Franklin D. Roosevelt began early in 1931, when they joined in opposing the Smith-Raskob control of the Democratic party; and Hull claims to have engineered the California-Texas deal in the Democratic convention of 1932 that brought about Roosevelt's nomination. An old-fashioned liberal ("I considered myself a Gladstone liberal in the 1890's"), Hull was never enthusiastic about the New Deal or about Mrs. Roosevelt, but he gave the President his complete loyalty, did not oppose the New Deal measures, and devoted himself to foreign affairs. Even here, he and Roosevelt were not always in agreement (for example, on the Economic Conference and on the nature of the United Nations), and there were occasions when Hull felt himself by-passed and contemplated resignation; but in general he and the President saw eye-to-eye on foreign policy, or Hull was able by his quiet persistence to bring the President around to his own point of view (for example, for a universal United Nations organization instead of several regional or functional organizations).

Hull's sturdy internationalism and genuine belief in world organization are clearly evident throughout his public career. He strongly supported the League of Nations and was disgusted with Lodge and the reservationists and irreconcilables, whom he characterizes as "Senator Lodge and his group of purely selfish isolationists of 1919 and 1920 whose policy was rule or ruin" (I, p. 217); in fact, he was convinced that no compromise was possible with Lodge and his group, that "if Wilson had undertaken to accept their purported offer of acceptance of the League with some reservations, the next morning we would have found that the Republicans,

under the leadership of Reed and the others, with Lodge stanking out in front, would have made more demands" (I, p. 103). Hull was disturbed by the Washington Disarmament Conference, largely because it seemed to him an attempt to sabotage the League through the substitution of a regional arrangement. He sought constantly, as Secretary of State, to bring the United States into closer relationships with the League, and thereby to strengthen that organization, although he moved cautiously, probably too cautiously, for fear of the isolationists, and was disposed to blame the other Powers, rather than the United States, for the League's failures. He was profoundly shocked that our entry into the World Court, urged by every President and overwhelmingly voted by the Senate in 1926, was finally blocked in 1935, when Senate support again seemed completely assured, by the week-end propaganda of William Randolph Hearst, Father Coughlin, and Will Rogers (I, pp. 387-389). He moved steadily and vigorously, as soon as the war made conditions ripe, towards the United Nations, which is patterned very closely on Hull's ideas, even in respect to the now much-debated veto (II, p. 1683). His illness and resignation, which made his presence at San Francisco impossible, prevented the dramatic culmination to which he was fully entitled, but they did not prevent the quiet satisfaction which he felt over the event.

In respect to the United Nations, Hull adds a good deal of detail to what was already known about the problem of understandings with Churchill and Stalin, neither of whom was easily brought into line for a world organization, and particularly he makes clear the difficulty of persuading Roosevelt, who wanted something very much and gave up reluctantly his preference for regional and functional organizations (II, pp. 1640-1647). Hull also adds to our knowledge of the work of the State Department in the development of plans, and especially in respect to the consultation with Congressional leaders and the policy of bipartisanship. For some of these matters Hull may tend to take undue credit to himself at the expense of Sumner Welles, who bore the burden of carrying on these operations during the preliminary stages, but with whom friction had already developed on various matters, including by this time the very basis of a world order.

In general, Hull, although modest and tolerant of other views, is quite certain of the moral, legal, and political correctness of his own policies. His defense of these policies in respect to Franco Spain and Vichy France will seem to many somewhat legalistic and labored, but probably a good defense under all the circumstances. Of all that he did, he takes the greatest pride in the trade agreements program, which represented the ideal of his political and economic thinking, and the value of which he may have over-emphasized, but which he nevertheless understood was by no means the sole panacea for all the world's ills.

The volumes are written in a straightforward, simple, and homely style ("There [at the London Economic Conference] I was rawhided unmercifully") that reflects Hull's honesty and sincerity, but lack of brilliance. He was assisted in the preparation of the book by Lt. Col. Andrew Berding and a small staff, who have admirably kept the Hull flavor throughout. Altogether, these memoirs constitute an invaluable contribution to the history of the Roosevelt period.

CLARENCE A. BERDAHL.

University of Illinois.

The More Perfect Union. BY R. M. MACIVER. (New York: The Macmillan Company. 1948. Pp. vii, 311. \$4.00.)

This volume is concerned with relations among groups in the United States, and, more particularly, "with the tensions, rifts, and cleavages between groups of different origin, stemming from different peoples or races" (p. 11). Its purpose is not only to analyze but to provide ways of alleviating the impact of prejudice against minority groups which results in denial of public opportunity. The author stresses the inadequacy of mere statement of facts about group discrimination. He feels that many scientific studies are barren just because they carry no message to the makers of policy. "Political scientists, economists, and sociologists are being forced by the demands of our times to realize that much of their research is abortive unless they draw from it the lessons it can teach" (p. 18). The facts do not necessarily speak for themselves. The analyst must speak for them.

Professor MacIver, therefore, has not only presented a statement of relevant facts on his chosen subject, frankly drawing many of them from the research of other investigators, but has attempted to show what can be done about the problem of discrimination. He calls his study an investigation in social engineering and expresses the hope that it will "indicate the potentialities that lie in the harnessing of scholarly investigation to social needs" (p. 23). He presents his subject in a series of chapters, breaking down part of it into discussions of what he calls the economic front, the political front, and the educational front, attempting to show the interrelatedness of the basic problems, from whatever angle they may be seen.

The gist of what he has to say is presented in a final chapter entitled "Some Conclusions." Here again he stresses his contention that what is needed is not a new series of detached studies, but "a direct and coördinated exploration of the methods by which these phenomena may be combated and controlled" (p. 241). He presents various suggestions in terms of broad lines of strategy. He emphasizes first of all the need for stressing the national welfare as a basis for attack upon discrimination. The frustration of minority groups operates as a disintegrating process

at the heart of national unity. It diminishes our influence in world affairs and tends to discredit the more far-reaching programs of American statesmen. "It follows that those who seek to educate our people should lay primary stress, not on the disadvantages and frustrations suffered by the disparaged groups or by any one of them in particular, but on the common loss, injury, and discredit that the country as a whole, majorities as well as minorities, sustains from the cleavages, rifts, and tensions that ensue from the prejudicial and undemocratic treatment meted out to large portions of the citizen body" (pp. 245-246).

The author stresses the point that preëminence should be given to no one direction of attack on discrimination. It is better to attack on as many fronts as possible at the same time. He finds action much more effective than arguments directed at prejudices; there are greater rewards in improving the depressed conditions of suffering groups than in trying to convince prejudiced people that they ought not to be prejudiced. It is to be remembered that discrimination is likely to be enhanced by anything which increases social tensions generally and alleviated by anything which brings about relaxation of such tensions. The author stresses the importance of adequate leadership, noting the accomplishments of effective leadership in establishment of the wartime FEPC and in the passage of anti-discrimination laws in a few of the states. He stresses the fact that strategy should always be adapted to the prevailing *mores*, varying, therefore, from community to community.

With these and other proposals with respect to the various "fronts" for attack on the problem of discrimination, the author seeks to aid in the establishment of action programs. The book is illuminating and richly suggestive for those who wish not only to know about the subject but also to do something about it. The book is also significant of a trend in the social sciences away from the exclusively scientific and in the direction of the planning and support of action programs.

CARL BRENT SWISHER.

Johns Hopkins University.

The Press and the Constitution, 1931-1947. BY J. EDWARD GERALD.
(Minneapolis: University of Minnesota Press. 1948. Pp. viii, 173.
\$3.50.)

The political scientist should take notice when a journalist invades the hallowed precincts of the constitutional lawyer and explores the terrain with insight, imagination, thoroughness, and objectivity. Professor Gerald, who is on the journalism staff of the University of Minnesota, has done exactly that in *The Press and the Constitution, 1931-1947*.

Professor Gerald has as the purpose of his study "to examine the development of the concept of freedom of the press on the level of constitutional law during the period beginning with the Minnesota gag law case and end-

ing with the revision of the Wagner Act in 1947." During the period covered, characterized by "popular unrest and unusual governmental activity," there was a clash between "the two ancient philosophies, freedom by individual volition and freedom by group volition." In the clash, the press was affected in a two-fold way, or on two "levels," as Professor Gerald prefers to term it. On the first and basic level—its relation with the public—the press found itself the prize of contending forces of traditionalism and reform, with both forces seeking to use it in achieving social and political objectives. On the second level—its legal and constitutional rights—the press was affected by the reform program in the same manner that business was affected. Such matters as labor relations, social security taxes, and wage and hour laws presented unique problems, however, under the First and Fourteenth Amendments as applied to the press.

As a result of his research, Professor Gerald classifies the outstanding legal opinions of the period into the fields of contempt, picketing, the newspaper and social security legislation, taxation and the regulation of the press, restraint of trade as practiced by the Associated Press, and censorship through licensing of distribution. Chapters are devoted to each of these subjects. As might be anticipated, extensive consideration is given to such cases as *Near v. Minnesota*, *Pennekamp v. Florida*, *Bridges v. California*, *Thornhill v. Alabama*, *Grosjean v. American Press, Inc.*, and the controversy between the *Chicago Tribune* and the *Chicago Sun*. Professor Gerald has a happy faculty not only of discussing the legal and factual background of cases adequately, but of following the decision through to show what actually happened as a consequence of court action.

While breadth of data and clarity of expression give this study a deserved preëminence, the conclusions reached are not new. Professor Gerald says that "beyond controversy, it appears that during the period [1931–1947] there has been a net gain to genuine human freedom." In commenting on the new importance of the Fourteenth Amendment in so far as it incorporates the First, he observes, however: "It is cold comfort for freedom that, as a fugitive from local law and popular consent, she has to be rescued from mistreatment by the power of a central and distant government."

The author has struck a compromise between diverting prose and careful statement of constitutional principle. In a subject loaded with legal niceties, the reader's pleasure is enhanced by such statements as: "the depression . . . drove many persons from the carnivals of trade to the temples of the mind. . . ."; "the press is a good wind that blows somebody ill all the time. . . ."; "the good John Barleycorn gave way to the New Deal as the leading cause of hangovers. . . ."; and "the thin steel of the Court's scalpel had to be run lightly . . . like that of a surgeon cutting away ragged scar tissue in preparation for a new graft."

The statements quoted perhaps unduly emphasize one aspect of Professor Gerald's study. Suffice it to say, the book is eminently readable, informative, and a worth-while addition to the library of any person interested in the problem of human rights. The value of the work is augmented by the inclusion of a selected bibliography of books, articles, and cases, and a brief section on how the justices of the Supreme Court voted in the more important cases.

WILLIAM O. FARBER.

University of South Dakota.

1946 Annual Survey of American Law (New York: New York University School of Law. 1947. Pp. xciv, 1497).

Due to the unusually large volume of legislation passed by American legislatures in the biennium 1945-46 (49,644 pp.) and the consequent litigation necessary for its interpretation, the 1946 Survey necessarily assumed a voluminous proportion. However, the high standard of organization, logical articulation of material, lucidity of statement, and techniques of previous surveys have even been improved. The future of this indispensable publication is not a matter of its improvement but of maintaining its present character.

The mechanics of the volume are especially ingenious and utilitarian. It is divided into five parts: One—Public Law: In General (414 pp.); Two—Public law: Social, Business, and Labor Regulation (208 pp.); Three—Private Law (447 pp.); Four—Adjective Law (121 pp.); Five—Legal Philosophy, History, and Reform (307 pp.). Each part is subdivided into sections, and under each section are listed the topics discussed, with page references to their locations in the volume. The table of contents, in other words, shows in detail the composite character of each topic and the location of its discussion.

The table of cases contains more than sixty double-column pages and lists approximately 4,000 cases with page references. There is a nine-page table of statutes, rules, and executive and administrative orders, covering the work of both the federal and state governments, with references to constitutions, codes, and laws. These techniques, combined with a two-hundred and thirteen double-column page cumulative index, covering Volumes II, III, IV, and V, make the material in this volume readily and effectively available. Nothing is more vexing than spending hours attempting to find something in material which, for practical purposes, might as well not have been compiled.

The emphasis on the availability of the material in the 1946 Survey is especially noted because a 700-word review cannot analyze the subject-matter of this important contribution, which, of course, is primarily a reference work. Furthermore, the character of the analysis of the subject-

matter is guaranteed by the eminence of the contributors, most of whom distinguished themselves in previous volumes. Public law—international, constitutional, and administrative; procedural law; legal philosophy, history, and reform are especially well done.

International law is discussed under the headings of war crimes trials, power politics, United States foreign policy, internal adjustment, the trail of war, military occupation, labor reparations, American property abroad, immunities of government property, coastal waters, literature of international law, United Nations (specialized agencies, pacific settlement of disputes, international court of justice, security, atomic energy, disarmament, and trusteeship). Confusion in international law and its revolutionary character are emphasized and illustrated by the war criminal trials, over which the American bench and bar have been divided. The author states that opinion is gradually crystallizing in favor of this innovation. While there was no international legislation providing for such procedure, the author points out that international law has primarily developed by judicial precedent and accepted usage. Attention is called also to the issue of the President's proclamations relative to the continental shelf as being equally revolutionary in the field of international law. The author could have said that the President attempted to internationalize property of the American states without their consent or the approval of the family of nations and to place the *right of exploitation* of the property in the government of the United States without title or consent of the states or the approval of the family of nations. This action deserves to be called "the wonder of modern times," and sets a precedent for the other nations of the world to return to the land-grabbing process and imperialism of the seventeenth and eighteenth centuries. Speaking mildly, it is very doubtful whether such exhibitions of force should be listed in the process of development of international or any other kind of jurisprudence. When law becomes a matter of force, the mob must be recognized as a law-making body.

Constitutional law is discussed clearly, adequately, and effectively. The discussion is elaborated by copious and substantiating footnotes. The subject-matter is divided into: (1) Jurisdiction of Military Tribunals over Civilians; (2) Constitutional Power of Federal Government over State Activities; (3) Justiciable Controversy; (4) Delegation of Legislative Power; (5) Interstate Commerce; (6) Due Process of Law; (7) Full Faith and Credit; (8) Eminent Domain; (9) Impairment of Obligation of Contracts; (10) Constitutional Aspects of Criminal Law; and (11) the Constitutionality of Reciprocal Inheritance Statutes. In general, the development of constitutional law is characterized by less respect for the doctrine of *stare decisis*, more liberality in the delegation of legislative power, further expansion of the connotation of interstate commerce, with the re-

sult of further destruction of the rights of the states. The author states that the opinion in the case of *New York v. United States* (326 U.S. 572) "casts a shadow over the future relation of state and nation" (p. 157). It is shown that while the Court is permitting Congressional supremacy over the regulation of commerce, it is granting the states the power to tax interstate commerce if they do not discriminate against it.

The field of administrative law is ably and thoroughly discussed by former Dean Vanderbilt. After a brief but suggestive discussion of the Administrative Procedure Act, the Legislative Reorganization Act of 1946, and the Federal Tort Claims Act, the development of administrative law is analyzed under the following headings: (1) Separation of Powers, (2) Delegation of Powers, (3) Procedure (hearing, subpoena), (4) Execution of Administrative Orders, and (5) Judicial Review (exhaustion of administrative remedies, findings of fact, questions of law, administrative interpretation, *res adjudicata*, discretionary powers, general scope). The significant change in the development of administrative law in 1946 was the overthrow of a host of judicial precedents by legislation, the effectiveness of which remains to be determined by administrative and judicial interpretation.

While space forbids further evaluation of this monumental work, fairness requires it to be said that its other sections are authoritatively and suggestively done. It is easily the best of the surveys yet published and raises high expectations for the future.

C. PERRY PATTERSON.

University of Texas.

Puerto Rican Paradox. BY VINCENZO PETRULLO. (Philadelphia: University of Pennsylvania Press. 1947. Pp. vii, 181. \$3.00.)

Puerto Rico has tended to receive much less attention from writers than other areas of the Western Hemisphere. It usually is not included in Latin American texts because it is now a part of the United States, while students of United States history have such a large field that Puerto Rico receives rather scant attention. The result has been such a widespread lack of knowledge in the United States as to conditions and problems in the island that the latter can almost claim the title of a "step-child" territory. In his recently published volume, *Puerto Rican Paradox*, Vincenzo Petruccio has written with the direct objective of correcting this situation, and has done an excellent job of depicting Puerto Rican problems and the demands and desires of its citizens for their solution.

Many of the present difficulties of Puerto Rico have their origins in the history of the island before it became a possession of the United States in 1898; and this background is well described in Mr. Petruccio's work. The basic culture of the area is that of other former Spanish colonies, and

Puerto Ricans look on themselves as Latin Americans even though now they are citizens of the United States. A preference for rural life is another Puerto Rican heritage, and this has persisted even though available land is completely insufficient to support a decent standard of living. The rigid class system of the colonial period likewise still affects island life, and even the slight progress made toward autonomy before Puerto Rico became a possession of the United States forms a basis for the demands of at least one of its present-day political parties.

Annexation has brought additional problems. An improved health program has only intensified an acute and serious over-population. Anglo-American ideas on government, morality, and economics have come into conflict with those of an earlier period, until Mr. Petrullo notes that many Puerto Rican educators and publicists feel that the present pressures on the inhabitants from "two standards of conduct and two sets of life values" make it impossible for them to achieve the mental security and stability needed for happiness. This and other factors have tended to create in Puerto Ricans an exaggerated and sensitive nationalism and to increase agitation for autonomy.

While Mr. Petrullo's study is written with a deep sympathy for the Puerto Rican point of view, he does not fall into the error of many island writers who find nothing good in Puerto Rico's association with the United States. The problems he describes are not easy of solution, but he suggests certain lines of action which may contribute greatly toward improvement in conditions and an increase in understanding between Puerto Rico and the United States. In any case, the author has supplied an aid to possible better understanding in his well-written and thoughtful study of a territorial "paradox."

DUNBAR ROWLAND.

University of Southern California.

The South Old and New; A History, 1820-1947. BY FRANCIS BUTLER SIMKINS. (New York: Alfred A. Knopf. 1947. Pp. xx, 527. \$6.00.)

It is fitting that the techniques of the "new history," now come of age, should be applied regionally. Professor Simkins has done well and comprehensively his self-assigned, difficult task of describing and analyzing all phases of Southern living for a century and a quarter. In addition to the traditional economic and political life of the South, an arduous enough assignment, the author of *The South Old and New* has set out to review developments in art, music, literature, nutrition, education, agriculture, and business. To say that Professor Simkins has done his job well is high praise; to say that he has done it completely would be hyperbole. Only God could see the total picture.

Perhaps with a touch of envy, political scientists must acknowledge

that historians are akin to God. Politicians frequently appeal to the "verdict of history" when the contemporary voice of the people, which, by aphorism, is the voice of God, seems a bit uncertain. So far as this reviewer knows, no statesman has ever appealed to the verdict of political science. Even discounting this note of professional envy of a sister discipline, it is a matter of grave concern how the verdict of history comes to be determined unless it is by people who call themselves historians. How is "war guilt" finally decided? Who "caused" the Civil War? Professor Simkins seems to adopt the same thesis with respect to Lincoln and the Confederacy in 1861 that a political scientist-historian is applying to Franklin D. Roosevelt and the Japanese in 1941. It appears that Lincoln lured or seduced the fine Southern gentlemen into appearing to be the aggressors. With regard to Fort Sumter, Lincoln's action "was so devious, so subtle, and perhaps so confused, that it is almost as difficult for the historian to understand as it was for the men of the times" (p. 133). Though some historians think he blundered (this is the verdict of history), "It is more likely that, with a subtlety approaching the diabolical, he provoked the Confederates into firing upon Fort Sumter in order to solidify Northern public opinion." "Provoking to assault" is a type of logic with definite limitations. It would be interesting to have the opinions of the courts upon a defense in a rape case where it was argued that the defendant was provoked to assault by the victim who, though resisting the advances of the accused, seemed to be coquettish at the time. This kind of logic needs deeper examination.

In Professor Simkins's volume, the "verdict of history" appears to be allergic to Abraham Lincoln. In addition to the animadversions just pointed out, the author refers to Lincoln as a "canny theorist" (p. 140) who, instead of calling the civil struggle a "war," maintained that it was "an endeavor to reestablish constitutional authority." Political scientists may note that the verdict of history may depend upon the marshalling or allocation of adjectives, for "wise philosopher" might be substituted for "canny theorist" with significant differences in meaning to Southern students who presumably will study this objective textbook on a very controversial subject. Though Lincoln was a "canny theorist" (p. 148) when he insisted upon enforcing the constitution in opposition to the wishes of the South, several pages later he has become "tactful" and "not a doctrinaire" (p. 177) when he was lenient in his Reconstruction policy.

Perhaps these are minor flaws in what is, after all, the best single-volume history of the South now in print. Professor Simkins's definition and conclusion seem to be that the South is an attitude of mind, perhaps just a prejudice, though stereotype is probably a more accurate word, built upon the illusion of white superiority (hence the doctrine of white supremacy). This is not stated openly, but is intimated strongly. Perhaps

if the voice of history were less Delphic and more forthright, it would speak the truth so clearly that a new generation of Southern students reading and accepting the verdict of history would cease to follow the historic delusion. But would they be Southerners if they did so?

JASPER B. SHANNON.

University of Kentucky.

Constitutional Dictatorship; Crisis Government in the Modern Democracies.

BY CLINTON L. ROSSITER. (Princeton: Princeton University Press. 1948. Pp. 322. \$3.50.)

Constitutional government is basically the institutionalization of general and binding limitations to which the exercise of political power by all organs of the state has to conform. Obviously, within this context the cardinal problem is that of how constitutional government can be preserved in times of crisis. To tackle it by way of a comprehensive treatise requires no small courage on the part of the author, which in this case is matched by the publisher, who—be it noted with some envy—overcame the usual commercial inhibitions to bring a scholarly volume, handsomely appointed, to the public.

At the outset, it should be stated that this is a valuable contribution to a subject of potentially great importance in this period of world revolution. Such solid studies on comparative constitutional law and politics are altogether rare in the provincial climate of our political science.

Of course the issue of constitutional government under emergency conditions has not gone unobserved, even in this country, whose constitutional fabric, with the possible exception of a brief interlude in the Civil War, has never been put to a severe test. In Europe, and equally so in Latin America, crisis government and its institutions have attracted deserved attention since the First World War. Moreover, the relentless quest for a strong executive within the confines of constitutionalism on which constitution-making has focused ever since, particularly in the hectic thirties, is precisely the effort to make constitutional dynamics more crisis-resistant.

Four constitutional patterns were selected by the author for the demonstration of his basic thesis, namely, that emergency powers entrusted to the executive are indispensable for any constitutional system to protect it, in times of internal or external crisis, by—if possible—constitutional methods for which the routine techniques of parliament and public opinion are inadequate. The countries discussed are Weimar Germany (pp. 29–73), using enabling acts and the notorious Article 48; France (pp. 75–129), where the state of seige and the institution of *pleins pouvoirs* are the foremost instrumentalities; Britain (pp. 131–205), including martial law, the DORA of World War I fame, the Emergency Powers Act

of 1920, and the various Emergency Powers (Defense) Acts of the Second World War; and finally the United States (pp. 207-288), where the author believes (p. 256) "the techniques of executive initiative, executive leadership in legislation, an abbreviated legislative process, the delegation of powers by statute, and the expansion of the administrative branch" to be indices of crisis-conditioned deviations from democratic normalcy. These analyses are introduced by a none too profound discussion of the Roman dictatorship and concluded with a summarizing projection of the author's findings into the future. For the treatment of these four, or rather five, different political civilizations, the author has sufficiently familiarized himself with much of the existing literature and some of the judicial practices. More penetration into the latter would have been instrumental in reducing the confines of what he calls constitutional dictatorship, since, in contrast to Germany, where the courts indulged in positivist subservience to the government in power, the judicial branch of the other countries kept a vigilant control over the use of emergency powers of whatever nature. It may be added that the inclusion of Latin American experience with crisis government, particularly in view of its impact on federal-state relations, would have been highly rewarding.

Such comprehensive discussions are exposed to two inherent dangers. In the first place, unless the writer is a constitutional expert in all countries under investigation, legal and political misunderstandings are hardly avoidable. For reasons of space, reference is made here to the German section only. Although the author has worked his way laboriously through the maze of controversies in which Article 48 is embedded, the discussion is studded with inaccuracies and political misjudgments, attributable, perhaps, to his acceptance of the opinions of some authoritarian-minded German writers which by now subsequent foreign discussions have amply rectified. For example, the suppression of Hitler's Beer-hall *putsch* in 1923 by the Bavarian *Land* police had nothing to do with Article 48 (p. 40); there is no proof that the application of Article 48 by the *Länder* was "successful" (p. 63), the situation in Bavaria demonstrating just the opposite; incidentally, von Kahr, Bavarian *Generalstaatskommissar* in 1923, was not appointed under the Reich emergency powers (p. 40). The reviewing board of history by no means has confirmed the A+ mark accorded to the "democratic" Chancellor Brüning, whom subsequent investigations have convicted as the foremost grave-digger of the Republic. To bracket him (p. 3) with Lincoln, Wilson, and Roosevelt as the democratic saviour of his country may seem outright sacrilegious to many; and to term Article 48 "a magnificent assertion of the sovereignty of the people, manifested in a forthright expression of the right of national self-preservation" (p. 60), is a startling observation. Military Government saw to it that the mistake of 1919 was not repeated in the new South

German constitutions, contrary to the author's statement (p. 60). Moreover, the section fails throughout to distinguish properly between the genuine emergency powers under Section 2 of the Article and federal intervention under Section 1 (*Bundesexekution*), indispensable in any federal structure as evidenced by experience in Latin America (Argentina, Brazil, Mexico).

The other defect, more structural in nature, arises from the fact that in a Procrustean manner heterogeneous techniques and institutions are lumped together to suit the chosen assumption of "constitutional" dictatorship. This is much more than a problem of semantics. Dictatorship, in the classical doctrine since Bodin equivalent to, or approximating, arbitrary or despotic government, is, in the modern usage, government without constitutional restraints in time and in scope. But when a strong executive (for example, the British cabinet, which, to the author, is a constitutional dictatorship, or the American President, supported by Congress) is democratically controlled in the exercise of delegated powers, and when the courts continue to scrutinize executive ordinances under delegated powers from the viewpoint of *excès des pouvoirs* (or under judicial review) the appellation of dictatorship is palpably inapposite. Crisis government, when subject to continued democratic control, as demonstrated by France, Britain, and the United States, is not "dictatorial," whether constitutional or otherwise. When the author contends (p. 239) that "Lincoln's actions form history's most illustrious precedent for constitutional dictatorship," he is disregarding his own material to suit his semantic premises, since practically all of Lincoln's actions were supported by Congressional approval and ratification. Nor can the techniques employed in and after 1933 by Roosevelt in any way be spoken of as "dictatorial," because they were either subsequently ratified or authorized in advance by Congress, with full support of public opinion, which neither Brüning nor the outright presidential cabinets ever enjoyed. Dictatorial they were only in the opinions of those to whom the selfish exploitation of the community by free enterprise is an inalienable natural right. Of this the author seems well aware when he admits that the term as used in the American environment is merely a "convenient hyperbole" (p. 209), or a "figure of speech" (p. 286). Exactly the same holds true for the carefully hedged-in applications of emergency powers in Britain and France; and it may be noted that both French constitutions of 1946 explicitly forbid the delegation of legislative powers. Once the line of demarcation between a constitutionally strong government and an executive acting extra-constitutionally, even for the sake of saving democratic institutions (a rare historical occurrence indeed), is obscured, the term "constitutional" dictatorship becomes rather meaningless. If the author wishes to identify a strong with a dictatorial government, the exploration of "authoritarian" government would have been helpful.

Though it is not the definitive treatise on a fascinating subject, the book, distinguished by learning and considerable ability in handling technically complex material, is a definite enrichment of political literature if for no other reasons than for having assembled the widely scattered legislative and jurisprudential facts. Political scientists will be indebted to the author for assistance both in teaching and in research.

KARL LOEWENSTEIN.

Amherst College.

The Problem of Germany. BY HOYT PRICE AND CARL E. SCHORSKE. (New York: Council on Foreign Relations. 1947. Pp. xxv, 161. \$2.00.)

The Only Way; How Can the Germans Be Cured? BY KARL BARTH. (New York: Philosophical Library. 1947. Pp. vi, 122. \$2.00.)

Recent developments, such as the six-power agreement on Western Germany and the currency reform just put into effect, have but enhanced the value of the study conducted by Messrs. Price and Schorske. The authors have eminently succeeded in making concrete more general statements of the German problem, of which there have been a great variety in late years. They not only present a review of the several fields in which the task of German reconstruction awaits action, but indicate the requirements for a successful integration of Germany with the rest of Western Europe. As the latter objective has become approved policy, this little book may be consulted for pertinent data.

The study was undertaken in answer to a questionnaire from the Netherlands Society for International Relations which the Council on Foreign Relations helped to prepare in 1946. The authors were assisted by a group of experts for whom Mr. Allen W. Dulles broadly outlined the issues in his article "Alternatives for Germany," published in *Foreign Affairs*, April, 1947. Happily this article is reprinted here and serves as an introduction to the volume. The whole book thus evinces a sense of the dilemma which evolves from the apparent conflict between a general European interest in the revival of German industry and a prosperous Germany as a menace to peace. Nor are there any facile assertions about the sure establishment of democratic institutions in that country, where the democratic tradition has had at best a precarious existence. The question of how, in view of this, "a democratic culture" sustaining peaceful policies can at all develop is the authors' chief concern. It is gratifying to see a study of such perspicacity published in the English language; its reading is recommended in particular to sentimentalists and illusionists on present-day Germany. Certain positive suggestions emanating from the book have been met in the directive of July 11, 1947, to the Commander-in-Chief of U.S. Forces of Occupation in Germany—the text of which is appended to the volume—in the *revised* Level-of-Industry

Plan and other measures since adopted. A notable defect, however, seems to lie in the fact that scant attention has been paid to long-term prospects of trade between Eastern and Western Europe; for such trade not only would affect the future of the German economy, but might influence the possibilities of political readjustment.

Dr. Price, in the first part, deals with the economic aspects. His analysis of the food problems yields the important result that "even with full agricultural recovery" the import requirement for each non-farmer consumer in the western zones will be at least 570 calories per day. The necessary reorganization of German agriculture, the author believes, could be accomplished in the main through the removal of import impediments. This would involve a redistribution of landed property—whether it is brought about by a land reform so-called or by automatic shifts to specialized farming—with wholesome effects on the political and social pattern. But the decisive question is how the economy of a "Rump" Germany can be integrated with the world economy so that "the best possible allocation of the world's food-producing resources" would be secured. Other chapters show the situation with regard to industrial raw materials—now to be relieved through Germany's participation in the European Recovery Program—to transportation and population, including labor. It is interesting to note that despite overcrowding there exists, paradoxically, serious labor shortages in many industries, due chiefly to severe occupational dislocations and low productivity per employee; and further, that popular apprehensions that Germany may have won the war of numbers, although she lost it militarily, are unfounded; but that, in view of developments in other European countries, "the demographic war is not yet over."

Three chapters deal with the problems of German industry, international control of the Ruhr, and currency reform. The facts are given which made currency reform the indispensable next step in the reconstruction of the German economic system. Basic errors and the political pitfalls in all "pastoralization" projects, and the inadequacy of the older Level-of-Industry Plan are pointed out. In the opinion of the author, the main issue concerning industrial production is not quantitative restriction but qualitative control and the supervision of trading practices. With some of these generalizations one may take issue. For instance, arguments for doing away with *all* quantitative limitations should also take into account that, under favorable credit conditions, uncontrolled expansion might lead to another "conquest of world markets" which would return to power the very elements that have in the past supported imperialist policies. On the other hand, the writers' reasoning on the reparations question, especially regarding the removal of industrial plants, and on proposals for a political separation of the Ruhr can hardly be questioned. A compromise

solution such as that envisaged in the London Agreement on International Control of the Ruhr would appear to offer the best chance of success. It does not seem plausible, however, that the allocation of coal should not be subject to quadripartite action if not all indigenous products (e.g., food) are subject to the same procedure (p. 37); for coal is preëminently a concern of the whole European economy. By the same token, it is true, the suggestion of special treatment for Upper Silesia (advanced by Mr. Dulles) would seem justified; indeed, it suggests at least the possibility of a diplomatic initiative.

In the second part of the book, Professor Schorske scrutinizes the social and cultural components making up the problem. His findings lead to the conclusion that "the democratic potential is alarmingly weak" (p. 138). He points out how the historical conflict between nationalism and liberalism made the Germans tragically unaware of the need for adapting themselves to new world conditions; and lines are aptly drawn into the recent past and present. A detailed but rather dismal picture of contemporary trends as reflected in class attitudes and political parties is presented. The dangers in the situation where doctrinaire traditionalism and unregenerate Nazism side by side make up a formidable front of resistance to change are properly focussed. As the outstanding political weakness of the Germans, now rampant as ever, appears their incapacity to compromise differences. Here one may wonder whether permitting the Germans to revive their tortuous pre-Hitler politics almost immediately after surrender was a wise decision. The same might be said in regard to other institutional arrangements, causing the author to remark, for instance, that "the premature restoration of the universities has created one of the most serious obstacles to the democratization of Germany (p. 130). Likewise, the far-reaching "confessionalization" of many aspects of public life through the churches—Protestant and Catholic—may be interpreted as a sign of political immaturity.

With little of what is stated here does the reviewer find reason to quarrel. He feels, however, that the failure of the Social Democrats to fulfill their mission in the revolutionary situation after 1918 is glossed over too lightly. (It is a case, incidentally, which might serve to instruct not a few of our contemporaries.) Nor is sufficient attention given to the perpetual inclination of the "liberal" middle class to fall back on leadership which is in collusion with the vested interests of reaction. The sections on "The Universities" and "The Independent Intelligentsia," however, emphasize the inherited lack of socio-economic understanding in professional circles. The conclusion, then, that "little progress has been made by the Germans in exposing the historical and social causes of National Socialism" (p. 135) cannot take the reader by surprise. Serious attempts to understand the functioning of a democratic society and the conditions of adjustment to

the moving forces in the world have long been missing; and worse, none are in sight. One cannot help asking: Does present American policy with respect to political reconstruction, plus retrenchment—not to say *déroute*—in such basic matters as de-Nazification and de-cartellization, make for the necessary changes? Or has it helped to foster a new wave of reaction? And to what ends are such risks being taken? Owing to considerable mistakes made by the occupation authorities, a largely unrepentant Germany has emerged from the crucible of defeat, and conditions continue to exist “in which totalitarian methods flourish.” The author is apprehensive lest in case of a definitive East-West split reactionary tendencies gain fully the upper hand in the Western zones. There is hope, perhaps, that in practicing coöperation with other Western nations through the instrumentalities of the Recovery Program the Germans will come to face realities. Even so, the outlook for the growth of democracy would be even more improved by a compromise between the Great Powers now holding sway over the disrupted country.

A comparison between the little book of Karl Barth, the renowned Swiss Protestant theologian, and Mr. Schorske's chapter on “Post-war Religious and Intellectual Trends” offers interesting parallels. Schorske shows, with ample documentation, that in the churches of Germany “moral confusion of a high order” prevails, as all over the intellectual scene. The existence of certain minority groups which oppose the identification of religious with conservative and nationalist thought cannot relieve our misgivings. They are corroborated by Barth's admonitions. He takes his German readers and correspondents to task for dodging realities, and enjoins them to learn coöperating on the level of immediate needs, instead of cultivating their parochial *Weltanschauungen*; in other words, they must think pragmatically, “somewhat as the British and the Swiss do,” rather than in terms of ideologies. That coöperation, “for the sake of life itself,” the author calls “Christian Realism.” He also demands the recognition of collective guilt, i.e., of the fact that “the nation which elected Hitler chose at the same time to wage and to suffer total war” (p. 52). Moreover, education for obedience and political conformism must be replaced by the courage of insubordination against self-inflated authority—in short, a moral revolt is the prerequisite of a happier future. With all that, the more tangible therapeutics of reconstruction are not ignored. With an eye to them, Barth warns the Allies that they should not miss the opportunity of giving the Germans a practical demonstration of democracy which would refute misconceptions and distortions of their propaganda.

Barth's book, which consists of translations of a lecture and two letters from unnamed Germans, marking two characteristic trends of German thought, with Barth's answers, and the reprint of an article written for an

English newspaper, throws some interesting sidelights on the Swiss record during the Hitler régime. That record, Barth finds, is not without blemish; for the official attitude of Switzerland in those years was "a very clever one, but unfortunately all in all it has been all too clever" (p. 119). *Au fond* it was always clear that the people of the Swiss Confederation could never be neutral, mentally, in the world fight against National Socialism. But, according to Barth, only when responsibility is acknowledged can commensurate action be expected.

HENRY P. JORDAN.

New York University.

World Communism Today. BY MARTIN EBON. (New York and Toronto: Whittlesey House, McGraw-Hill Book Company, Inc. 1948. Pp. viii, 536. \$4.50.)

In 1848, the initiators of "Scientific Communism" noted that the whole of old Europe was being haunted by the specter of Communism. Hence their "Communist Manifesto" was to "meet this nursery tale" with a disclosure of "their views, their aims, their tendencies." None the less, a century later, Martin Ebon can justly remark that while "the chances of Communism today are better than ever," it "remains the great unknown of our time."

In view of such a paradoxical situation, credit is due to any author attempting to throw light upon the Communist world movement of yesterday or today. As Ebon is mainly concerned with the present, the section of his book devoted to the history of the three Internationals and to the seven strategies of the Third International remains sketchy. The bulk of the work thus consists of a survey of the organization and policy of the Communist parties in the nearly three score and ten states of the planet. During his voyage around the world, which starts in Russia and ends in South Africa, the author introduces the reader to the Communist leaders and recent political developments of all the countries from A (Albania) to Y (Yugoslavia). In his final section, Ebon discusses the secret of the strength of Communism, the nature and techniques of the invisible Communist International, and the prospects of its final global triumph. Intimating that Communism is primarily a symptom of the disease of our society, he rejects the idea that a democracy can defeat Communism by outlawing it: "Only an out-and-out police state can outlaw the Communist party," and "even police states have not done so well at enforcing a ban on the Communist party."

According to Mr. Ebon, economic inequality and insecurity, as well as "the absence of a substantial middle class," are the main reasons for the growth of Communism." Therefore, "the next world economic crisis will give Communism its fourth major chance to achieve world domination."

Consequently, "Western civilization can answer Communism only by positive and constructive actions. It cannot fight Communism on the battlefields . . . and expect to win lasting victory. The tractor is, in the end, a weapon superior to the tank. The fire in the hearth sheds more warmth than a flame-thrower. Among the weapons in tomorrow's struggle, only security can make fear obsolete."

Statements such as these characterize Ebon's approach, which is that of a liberal, well-informed, and serious-minded journalist. Journalists, however, are often unburdened with historical and sociological knowledge. So is Mr. Ebon. In dealing with the October Revolution of 1917, e.g., he fails to mention the vital part played by Trotsky, and in evaluating the German elections of 1928 he mistakes the Nationalists for Nazis. More serious than such factual errors, however, is his failure to explain the economic and social setting in which the Communist parties operate. Moreover, he should have properly illuminated the total historical situation of the Socialist movement in the period of the First World War, a situation out of which developed the permanent and global split into the radical and reformist wings. Ebon intimates that Russian Communism's "psychological effect appears greater than its economic achievements." Still he fails to realize fully the consequences of the identification of international Communism with the Russian totalitarian and bureaucratic super-state. Hence he is probably wrong in assuming that a new depression will mean world victory for Communism. For he overlooks that, at least as long as the various Communist parties subordinate the "national" interests of their own countries to the idiosyncrasies of a foreign *élite*, any partial and temporary success is likely to encourage the growth of "native" anti-Russian Fascist movements. Such a development might very well create a stalemate between Communism and Fascism which could easily prove fatal to our civilization. If the author had made more use of the works of Martov, Rosenberg, and Borkenau, he might have come to grips with the more theoretical aspects of his subject. In spite of its shortcomings, the book is, nevertheless, most valuable as a well-organized and vividly written survey of the strategy and tactics of the unofficial Communist International and its sections in the period since 1945.

OSSIP K. FLECHTHEIM.

Colby College.

The English Local Government System. BY J. H. WARREN (London: George Allen and Unwin, Ltd. 1946. Pp. 182. \$2.25.)

The American political scientist will have a difficult time finding a more useful account of contemporary English local government than that contained in this compact volume. However, as the book was written for British readers, it assumes a knowledge of the political moves and con-

stitutional practices of that country which most Americans do not have. Thus, its particular usefulness here will be to students of comparative political institutions rather than to practitioners of the art of city and county government.

It is disappointing that the book tells very little of one development but slightly known in the United States: the effect on local political institutions of the great burden of civil defense they were required to carry during the war. The comment that out of the war experience "certain defects became apparent" is anything but informative. The greater space given to agitation for local-government reform is adequate notice to students of comparative local government that they can expect changes in the government of Britain's ancient boroughs, counties, districts, and parishes. While old forms survived the crises of the past decade, there is reason to feel confident that they will be changed in the next.

This reviewer found Mr. Warren's comparison of municipal service with national civil service—to the advantage of the former—most interesting. His argument is presented with clarity and effect. He might have told us something of relations that have grown up between specialists in Whitehall and their counterparts in local government and of any influence on policy that has stemmed from such contacts, but he does not deal with this subject. He finds occasion to repeat the familiar rhetoric about English local self-government with special emphasis on "self," but the sum of his dozen and a half references to national government-local government relations hardly serves to underline this emphasis.

The book is based largely on Mr. Warren's extensive study of and personal experience with British institutions, and while its usefulness is heightened by the author's critical approach to his problem, he could have lent force to his arguments by a greater use of pertinent foreign comparisons. As it is, the occasional—although rare—references to developments in local government on the Continent and in the United States prove effective each time employed. The value of the book might have been increased further had more illustrative material been included. However, this is but the first volume in a new "Town and County Hall Series." If the author, who is the new general editor of the series, hopes to capture and hold a considerable number of readers in this country, he may do well to include such material in future volumes. He is advised, at all events, that an index would prove a useful adjunct to succeeding publications.

CHARLES AIKIN.

University of California (Berkeley).

A Modern Law of Nations; An Introduction. BY PHILIP C. JESSUP. (New York: The Macmillan Company. 1948. Pp. viii, 221. \$4.00.)

In his latest book, Professor Jessup has amply fulfilled the expectations of those who have looked forward with some impatience to a synthesis of

the recent series of articles in which the author outlined some of his proposals for a renovated law of nations. In bringing to bear upon the problem a rare legal erudition, an acute power of analysis, a lucid literary style, and a wide experience in international law and administration, Professor Jessup has avoided the extreme views of both the "cynic and the sciolist"—to borrow J. L. Brierly's phrase. The writer makes no exaggerated claims for the present imperfect legal order, nor does he minimize its shortcomings. He is fully aware of the necessity of reconciling conflicting interests, of balancing the requirements of stability and change, and of preserving continuity with the past while supplying that element of adaptability to changing needs, lack of which constitutes a principal defect of the existing system. "... Development," Professor Jessup asserts, "can best proceed by utilizing the experience of the past centuries, reviewed in the light of new concepts Ignorance of the progress already achieved in the development of international law over the past three centuries and blindness to the still primitive character of the international legal system are equally inimical to the further progress which must be made if all civilization is not to go the way of Hiroshima and Nagasaki" (p. 14).

Professor Jessup has written *de lege ferenda*, as he expressly points out; his work, however, is not a blue-print for some ideal world order unattainable in the foreseeable future, but a development of ideas, trends, and tendencies immanent in those branches of the law in which the concept of community interest has made some progress in the face of obstacles created by nationalism and its juridical formulation in the concept of sovereignty. Two main points are singled out as possible presumptions or "hypotheses" which may serve as bases for progress toward a modern law of nations: "The first is the point that international law, like national law, must be directly applicable to the individual. It must not continue to be remote from him, as is the traditional international law, which is considered to be applicable to states alone and not to individuals. The second point is that there must be basic recognition of the interest which the whole international society has in the observance of its law. Breaches of the law must no longer be considered the concern of only the state directly and primarily affected. There must be something equivalent to the national concept of criminal law, in which the community as such brings its combined power to bear upon the violator of those parts of the law which are necessary to the preservation of the public peace" (p. 2).

The implications of the first hypothesis and the effects of its possible acceptance upon the positive law are sketched, with pertinent illustrative detail, in chapters on "The Subjects of a Modern Law of Nations," "Recognition," "Nationality and the Rights of Man," "Responsibility of

States for Injuries to Individuals," and "The Law of Contractual Agreements." The influence of the concept of absolute sovereignty—"the quicksand upon which the foundations of traditional international law are built"—and the need for adopting a relative concept based upon the social and economic reality of interdependence determine the approach to chapters on "The Legal Regulation of the Use of Force" and "Rights and Duties in Case of Illegal Use of Force." The last two chapters are those most closely related to the changes in the international legal situation created by the establishment of the United Nations; and to those who are primarily preoccupied with the most pressing and imminent of our international problems they will appear to be the most significant of the entire work. Anyone, however, who may consider that excessive space has been devoted to those areas of the law out of which threats to the peace are unlikely to arise should refer to the writer's caution: "It is . . . not enough for the future of the international society to say that we must have a rule governing the use of atomic bombs and other weapons of mass destruction. It is not enough merely to have a law making war illegal. Such rules, even if backed by an adequate form of organization or government, would fail to create a well-ordered international society, the existence of which is a prerequisite to the successful functioning of any legal system. If there be no adequate rules of law governing the solution of the conflicts which are inherent in any human relations, frictions and tensions will develop to a point which will bring about breaches of the primary rules about weapons and wars; even in the most highly developed societies, underlying inequities and resulting strains produce riots, revolutions, and civil wars" (pp. 1, 2).

Professor Jessup does not underestimate the importance of the organizational developments which must take place before the world can achieve some form of government in which the collective will for peace will take precedence over the individual will of the sovereign state. This result must be achieved before the ultimate problem of the elimination of force for the solution of human conflicts can be resolved. The limited task which Professor Jessup has expressly set for himself is that of determining the nature and substance of the rules which the future international organization or government would be called upon to establish, apply, and enforce.

The author somewhat minimizes his own achievement in describing it as "a fragmentary approach." His slight but weighty volume represents, it is true, a selective synthesis of some of the most progressive tendencies immanent in the rules which have been emerging since the close of the First World War. But in Professor Jessup's thoughtful and balanced discussion "something new has been added." Every student of international

law will be gratified to note that *A Modern Law of Nations* bears the subtitle: *An Introduction*.

LAWRENCE PREUSS.

University of Michigan.

The Man in the Street. BY THOMAS A. BAILEY. (New York: The Macmillan Company. 1948. Pp. 334. \$5.00.)

No great power has ever undertaken to conduct its foreign relations on such a broadly democratic basis as the United States. None has been compelled to struggle with such great constitutional and political obstacles to the smooth and effective formulation and execution of foreign policy. None has a greater reputation for caprice in foreign affairs. Now, when the United States has assumed such unprecedented international responsibilities, its ability to discharge them has become a matter of world-wide concern. Under these new circumstances, there is a special need for careful and expert examination of the rôle of American public opinion with respect to foreign policy. This is what Professor Bailey has set out to perform.

His inquiry ranges widely over the whole field of attitudes. Some chapters deal with attitudes toward such specific policies as the Monroe Doctrine and Freedom of the Seas. Others analyze attitudes toward the nature and direction of foreign policy, e.g., Manifest Destiny and Isolationism. Finally, there are chapters on the forces which influence public opinion about foreign policy. Here, xenophobia, apathy, ignorance, sectionalism, the melting pot, and others have their turn on the stage. For the more recent period, the author has made full use of relevant public opinion polls. His supporting and illustrative data for the earlier periods of our history consist of random excerpts from newspaper editorials, utterances by public figures, government documents, and the like.

This is a difficult book to appraise. It is written in a lively style, and the reader's interest never lags. But this reviewer felt that too great an effort had been made at deliberate popularization. Exactness has too often been sacrificed for a well-turned phrase or glib generalization. And an occasional statement is simply too broad to have much resemblance to ascertainable fact. Thus, for example, the author observes that American pacifists, "although not numerous, have been extremely vocal, well organized, and well financed, largely through the generosity of a millionaire philanthropist, Andrew Carnegie." Surely, this statement gives too much credit—or blame—to the activities of the various Carnegie-financed institutions. Also, this reader had difficulty on many an occasion in deciding whether a given statement of attitude was the author's own view or whether it was merely his estimate of the prevailing American view about the matter in question.

There also is the question of evidence. Many a generalization about American attitudes is supported only by a casual sentence plucked from a single newspaper editorial. Admittedly, such a sentence may in fact be representative of American opinion, but the reader who is aware of the complexity of American attitudes about almost anything is apt to shy away from such conclusions. This comment is in no way a reflection upon the author's deserved reputation for technical scholarship; it was, however, this reviewer's feeling that more evidence should have been presented in this book, or that the conclusions about mass attitudes should have been much less sweeping. Finally, and at the risk of being pedantic about a matter which the author may not have been able to control, this reviewer was not made happy by the fact that the book is virtually innocent of footnotes. At the very least, they could have been tucked away unobtrusively in the back of the volume.

The study of past group attitudes presents formidable technical difficulties. And this book, brilliant though it is at many points, indicates the need which confronts all students of public opinion for better tools for such research. Until these tools are devised, such interpretative essays as these represent our only means of dealing with the problem.

GRAYSON L. KIRK.

Columbia University.

Colonial Policy and Practice; A Comparative Study of Burma and Netherlands India. BY J. S. FURNIVALL. (Cambridge: At the University Press; New York: The Macmillan Company. 1948. Pp. xiii, 568. \$7.50.)

Writers about the tropics tend to fall into two groups. There are the specialists who have an intensive knowledge of one particular dependency, but know little or nothing of others, and so fail to draw valuable comparisons and contrasts. Alternatively, the writer has an acquaintance with several dependencies, but the value of his work is often lessened by inadequate knowledge. The present book avoids both criticisms, and is an excellent and illuminating comparative study of British and Dutch colonial policy, based on first-hand knowledge.

In both dependencies, intensive economic development by foreign business interests began about 1870, when the philosophy of Europe was dominated by liberalism and *laissez faire*. From that time onwards, the life of the Indonesian and Burmese peasant farmers was increasingly affected, until their previous mediaeval social and economic life was in large measure transformed, particularly in Burma. While the economic forces at work were the same, the forms of rule were different. The British relied on direct rule and equality before the law, while the Dutch practiced indirect rule and carefully preserved native customary law.

The British abolished the traditional organs of central and local govern-

ment, and liberated the Burmese from various exactions and oppression. They provided them with honest judges who gave judgment strictly in accordance with the law, in place of the Burmese judges who expected presents from litigants. The British also abolished the hereditary chieftains who were the principal organ of local government. This is standard British practice, the theory being that a hereditary official abuses his power over the peasantry.

Unfortunately, the British swept away the good with the bad. The new British officials were incorruptible, but their subordinates were largely Indians who used their authority to extort money from the Burmese. As in India, the British official was usually unable to prevent this. To a large extent, the British ignored or else transformed the customary law which the Burmese understood, and gave them an alien law which they did not understand. Under Burmese customary law, for instance, interest on a mortgage could not accumulate beyond the sum originally borrowed, but the British courts recognized no limit. This played into the hands of the *chettians*, a Hindu caste of money-lenders, who started to operate extensively in Burma about 1880.

At that time, the Burmese small farmers were beginning to colonize Lower Burma. They borrowed heavily from the *chettiar*, were unable to meet the mortgage payments, and lost their farms. The *chettiar* rented the land to Burmese tenants at extortionate rentals, and in a year or so the latter lost their land from inability to pay the rents. They either rented another farm with the same result, or else became landless laborers. *Laissez faire* decreed that the British government must not interfere with the free play of economic forces, and must rely on the courts to prevent injustice. By the time the doctrine of free private enterprise became discredited, the damage had been done, and the *chettians* owned half the rice lands of Lower Burma.

Among the results were a prodigious increase in litigation, and an equally phenomenal growth in crimes of violence. The Burmese became bitterly hostile to the Indians, and eventually to the British who seemed to protect them. This was one reason why some of the Burmese helped the Japanese in 1941. Another was that, with the very best of intentions, the British had alienated the influential Buddhist monks, so that many of them assisted the invaders.

The Dutch imposed restraints on economic forces, strengthening personal authority and preserving the influence of custom. The author believes that this shielded the Indonesians to a considerable extent from the disintegrating effect of economic forces upon their civilization.

LENNOX A. MILLS.

University of Minnesota.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

New York City is this year celebrating the fiftieth anniversary of the consolidation of the municipalities on the New York side of the harbor into Greater New York. Cleveland Rodgers, of the City Planning Commission, and Rebecca Rankin, of the Municipal Reference Library, have collaborated to present in *New York: The World's Capital City* (Harper, 1948, pp. xviii, 398, \$5.00) a handsome tribute suitable to the occasion. This tribute is more than a summary of commendable achievements; it is also a bid for recognition of the rôle of the metropolis in world affairs. In calling attention to its contribution to the United States and to the world, the authors do not gloss over the weaknesses and mistakes in the city's past and present. They admire this great city, however, and are anxious to put it in a favorable light. The political development of New York City from the little Dutch settlement on the tip of Manhattan Island to the present world metropolis is traced in the first three sections of the book. Due notice is taken of its influence on American national and New York state institutions. In the remaining six sections of the volume, in which the authors deal with the major aspects of modern city life, strict chronological presentation is wisely avoided. The reader is carried back repeatedly to the early settlers as the writers trace the evolution of the transportation system, of the patterns of land ownership and of building design, of the housekeeping functions, of the housing problem, and of the educational system. Sections are devoted to the development of Wall Street and of the communication industry (also of magazines and newspaper publishing, radio-broadcasting, etc.). Through the whole account, the authors weave their main theme, which is that this city has achieved its greatness through self-discipline and collective, democratic action, and that this achievement is its contribution and its message to the world. Particular stress is placed on the individualistic character of most of the great reforms in the city's life. They freely admit that unbridled individualism produced most of the problems in the first instance, but they argue that from vigorous individuals came the inspiration and the techniques of correction. One gains the impression from the work that the government, typically, was not pushed into solutions by widely popular protest, but was led into them by forceful individuals. The book is studded with thumbnail biographies of the great fathers of the city's public and private institutions—Andrew H. Green, J. P. Morgan, Louis Horowitz, Stanford White, Carr V. Van Anda, Robert Moses, and many others. If one considers the vast sums invested, the power and capacity of the private interests concerned, the anonymity and rootlessness of the population, it really is

remarkable that New York City has been able to control its own destinies in the public interest as well as it has. Its record certainly is as good as, if not better, than that of any other major city in the land. New Yorkers admittedly have demonstrated that it is possible, without complete suffocation, to crowd more persons into less space than anyone hitherto believed feasible. This little space even has its attractions—a park here, a sparkling personality there. But that it is habitable without the loss of “any essential freedoms” is doubtful. How about the liberty not to live under other people’s feet? The book is generously illustrated. It also contains a usefully annotated bibliography and a good index.—WILLIAM H. YOUNG.

For the second time in a decade, Louis H. Bean has produced a first-class work on election forecasting. Like his *Ballot Behavior* (1940), *How to Predict Elections* (Knopf, 1948, \$2.50) is a model explanation of statistical techniques in terms the layman can understand. The central idea of the book is that the art (*not* the science) of political prognostication can be based soundly on the record of the past. In analyzing national political history over a ninety-year period, Bean places greatest reliance upon biennial elections to the House of Representatives. He examines with particular care the three long periods of Republican supremacy in the House and the three epochs of Democratic majority, only one of which was as long and continuous as the Republican. Business depressions, he finds, were major factors in all six shifts in party control. Among the political truisms which Bean establishes to the satisfaction of this reviewer are the following: (1) The leading candidate for President generally pulls through “on his coat-tails” to marginal House seats his fellow-partisans; in 1936, 1940, and 1944, these seats numbered from 26 to 30. (2) A Democratic presidential candidate must poll between 52 and 53 per cent of the national popular vote in order to win a majority of electoral votes. (3) Many states are better barometers of the political weather than is Maine, but even that state’s returns can be used for predictions if its deviation from national norms is taken into account. (4) Democratic House losses in 1946 were about double what they would have been if the vote cast had been up to normal. (5) Over the years since the Civil War, there has been a gradual increase in Democratic strength in the House of Representatives. Toward the end of the book, Bean furnishes the reader with some counsel on how to predict the 1948 election. He recalls Mr. Truman’s popularity early in 1948, and the excellent showing made by Democratic candidates in city and congressional by-elections during the second half of 1947. This trend was reversed later in 1948 when the Administration was plagued with the revolt of the Southerners over civil rights, trouble over Palestine, and Mr. Wallace’s third party threat. The marginal states in the 1948 election are considered to be New York, New Jersey, Penn-

sylvania, Ohio, Illinois, Wisconsin, Minnesota, Washington, and California. Believers in the separation of powers may be shocked by Bean's reminder that one possible result of the 1948 election can be a Republican President and a Democratic Congress. This interesting book has a text written in clear, intimate style, and a statistical appendix that is a gold mine of information. It is profusely illustrated with charts. A few small errors may be found, to remind us that Mr. Bean is human: the Democrats held the House eight (not six) years between 1910 and 1918; Ohio has 26 (not 25) electoral votes. Alfred A. Knopf deserves congratulations both for the timeliness of this book and for the excellence of its typography. *How to Predict Elections*, if read, digested, and applied, can provide the student of politics with a relatively simple meter to gauge political trends. It will equip him for the rôle of informed observer in the great campaigns of 1948 and after.—DEAN E. MCHENRY.

The American public, it seems, never tires of reading about the living and working routine of the men whom it elevates to the nation's highest office. In *A President Is Many Men* (Harper, 1948, pp. x, 269, \$2.75), Merriman Smith, a White House newspaper correspondent for the past seven years, therefore deals with a most popular subject. The author's stated aim is "to show in human factors and in words of as few syllables as possible how the intricate twentieth-century Presidency operates." The result is a gossipy, somewhat superficially informative, account of the day-to-day life enjoyed, or suffered, as the case may be, by the President and his family. The part played by the President's immediate staff in assisting him in "the toughest job in the land" (p. 14) supplies the key to the book's title. Because the author relies to a great extent upon what he has observed directly as a newspaper man, he gives major attention to the organization and operation of the White House staff during the Roosevelt and Truman administrations. The brief sketches of the individuals who are now, or have recently been, members of the White House entourage constitutes perhaps the most significant part of the book. No great secrets of state are revealed, nor is any penetrating analysis of the place of the presidency in the general scheme of governmental organization attempted. Much of the information presented is merely the "human interest," Sunday supplement type of title-tattle about life in the White House. The style is breezy and informal, and embellished with anecdotal detail. Running through the book is a note of sympathy for the man who is "always in a crowd without being part of it, much like an actor alone on a stage, standing before a large audience in the blinding glare of a thousand spotlights. . . twenty-four hours a day" (p. 4). No doubt many readers will enjoy this collection of miscellaneous facts about how a President actually lives and works. Some may even come to appreciate

more fully the tremendous burden of the office and be thereby persuaded to view a President's performance with greater tolerance and understanding.—JOSEPH E. KALLENBACH.

Professor William B. Hesseltine, in his little book, *The Rise and Fall of Third Parties* (Public Affairs Press, 1948, pp. 119, \$2.50), does not undertake to present a history of third-party movements. Rather, he is trying to determine the reasons why such movements fail to become permanent parts of our party system and to indicate what they should do to be successful. The Wallace party, like its predecessors, will fail, he believes, because it is merely a protest movement, an attempt to cash in on discontent with the two major parties. It will fail, he says, because its program is largely negative in character. To be successful, a third party must have a positive program. A liberal party, to be successful, must have a program of reform, research, and regionalism—with opposition to totalitarianism in all its forms and a devotion to democratic processes. In the opinion of this reviewer, Dr. Hesseltine is asking too much to demand that any political party out of power be not a protest movement. Every political party major, or minor, if it is an out party, will appeal, and must appeal, to discontent to get votes. He is mistaken, too, in saying that the Wallace Progressives do not have a positive program. They have an elaborate program, with extensive defense of democratic processes. Their chief handicap is bad timing. There is not enough discontent at this time. People are disturbed about high prices, it is true, but they would be far more discontented if prices were low and unemployment vast. The Wallaceites are also obviously handicapped, particularly at this time, by Communist support, making their defense of democracy seem insincere. Dr. Hesseltine is right in saying that while the history of new party movements in the United States is filled with warnings, there are also many suggestions, and it does not add up to a counsel of despair. Sometime the "lib-labs," as he calls them, may get together and create a new permanent political movement in this country.—E. ALLEN HELMS.

Dixon Wecter's *The Age of the Great Depression, 1929-1941* (Macmillan Co., 1948, pp. xiv, 362, \$5.00) is not just another volume on Franklin D. Roosevelt and the New Deal. It is that, but it is much more. Hardly a segment of American life of the period escapes the author's notice or his penetrating comment. The causes of the Great Depression are analyzed, its social and economic effects are systematically presented, and the roots of the New Deal are traced (a number of them to Herbert Hoover). Relief measures and reform legislation are set in proper focus and evaluated. Regionalism receives enlightening discussion, particularly that of the TVA. Labor, the farmer, the aged, and other groups are considered from various angles, not simply from the standpoint of what the government did for

them. For example, in the chapter on "Youth in Search of a Chance," we are led from birth control to child labor, to delinquency, to the CCC and the NYA, to the plight of the public schools, to a stirring in the colleges and universities, to the problem of sex, and to radical testaments of youth which alarmed persons less easily aroused than Martin Dies. And in this and the other chapters the material is presented with logic and consistency and in acceptable proportions. Space is found for art, literature, music, the press, radio, recreation, and religion. The book is a masterpiece of condensation, betraying no sign that the author felt cramped at putting so much on so few pages. Mastery of his material and facility of expression doubtless explain this triumph. Other commendable features of the book are dispassion and fairness. The general public may read this volume with pleasure and profit; social scientists with admiration and perhaps a little envy.—CLAUDIUS O. JOHNSON.

The Struggle for Party Government (Program in American Civilization, University of Maryland, 1948, pp. v, 43), by E. E. Schattschneider, is a group of three essays based upon lectures delivered by the author at the University of Maryland in March, 1948. The basic theme binding these essays together is the thesis that the problems confronting American government can be solved without significant modification of existing governmental structures. The need of our time is the power to create and implement a comprehensive plan of political action in advance of a predictable catastrophe. The only agency which can effectively perform this function is the political party. The failure of parties to meet this challenge is, in part, due to our political folklore, which has emphasized political independence at the expense of party loyalty, placed a high premium upon non-partisanship, and looked with abhorrence upon the deliberate search for power. (Departments of political science are given full credit for their encouragement of such folklore.) In the second essay, "Areas of Ignorance," the author points to the complexity of the electoral system, the lack of adequate available data, and confused research in the field of party politics, as further explanation of our failure to move in the direction of responsible party government. In the final essay, "Party Reconstruction," Professor Schattschneider presents a plan to develop greater responsibility for governing, as well as electing, within our party structure. He proposes that the congressional members of a political party be given control over presidential nominations and that they, in turn, select a reasonably permanent leader-nominee. This will permit a close relationship in policy formation between the two branches, encourage active political education, and provide the voter an opportunity for the democratic choice of alternate programs. The plan is provocative, but less so than the analysis in the first two essays.—DAYTON E. HECKMAN.

James Madison, Nationalist, 1780-1787 (Bobbs-Merrill Co., 1948, pp. 484, \$6.00), by Irving Brant, is the second volume of a series on the life of Madison and covers the short span of the seven years' experiment under the Articles of Confederation. The story opens with Madison's trip to Philadelphia to begin his service in the Continental Congress and ends with the entry in his journal dated May 2, 1787, stating that he was leaving New York to attend the Constitutional Convention in Philadelphia. The book is an unusually detailed account of the period as well as of the life of Madison. It is written almost entirely from primary sources and is well documented. Its thesis is that Madison was a strong and stable force in the Continental Congress and in the Virginia legislature. The pattern of his thinking in these years was nationalism. He constantly spoke of national authority, national councils, national government, national jurisdiction, national prerogatives, national supremacy, national tribunals, national executive, national administration, and supreme government. To Madison, the word "national" meant pertaining to a nation. Never in this period did he use it in the sense given it later in the constitutional controversies as meaning the opposite of "federal" government. According to the author, Madison was concerned with both national and federal government and the local authorities were to be "subordinately useful." He had worked faithfully for greater military vigor in defense of the western territories, for the division of the vast territory of Virginia, for the establishment of a system of national revenues, a consolidated public credit, the extension of inland navigation, and the regulation of commerce. But the states had continually hampered progress in these matters, and Madison had watched the slow disintegration of the national government under the Confederation because of its lack of necessary powers. The four pillars of Madison's American empire, says the author, were "independence, union, national supremacy, and republican self-government." The book, presented in chronological arrangement, is slow-moving, due to the vast amount of factual and detailed information given. No effort has been made to high-light the more significant features and revolve the story around them.—MARY EARHART DILLON.

Monographs are generally of interest to a very limited number of specialists in a particular field. An exception is L. Ethan Ellis' *Print Paper Pendulum; Group Pressure and the Price of Newsprint* (Rutgers University Press, 1948, pp. ix, 215, \$3.00); which will interest students of public opinion and pressure group activity, of the conservation of natural resources, of tariff history, of the newspaper publishing business, of general economics, and of international relations. The author has had access to official documents, letters, and privately collected papers. Both the Newspaper Publishers Association and officials of the News Print

Service Bureau have made available to him materials which have made it possible to develop the history of the tug-of-war between the newspaper publishers and the newsprint manufacturers. The story is that of the rapid exhaustion of the domestic supply of wood pulp, the shift to Canadian markets, the efforts of the domestic producers to get tariff protection, and the pressure of the publishers to keep the tariff on newsprint and wood pulp down so that they may buy in a cheap market. The text is fully documented, and both a bibliography and an index are included. Only one essential seems to be lacking. The volume comes to an abrupt close with a chapter on "Efforts to Combat Depression, 1929-1936," without indicating the pendulum swings of the past dozen years, and without any general concluding chapter. The author simply states (p. 171) that "the later chapters of this account have indicated recurring periods of easier relationships, when intelligent understanding succeeded earlier bitterness. . . ." And "informed leaders of both groups have indicated belief that a live-and-let-live attitude seems to be developing."—JOHN DAY LARKIN.

The Gallup Political Almanac for 1948 (American Institute of Public Opinion, 1948, pp. 290, \$4.50) is the second edition of a very valuable compilation of election statistics in the United States. In addition to the material published in the first edition of 1946, the volume provides detailed data on the results of the 1946 and 1947 elections, gubernatorial vote figures for each state back to 1928, and information on elections to be held in 1948. Additional charts and more simplified tables make it easier to follow political trends in the United States, particularly for the last twenty years. One unusual feature of the book is the presentation of election results in percentages rather than in actual votes cast. While most of the material is based upon official election returns, even these figures have been checked, where possible, for errors. The writer has included findings of public opinion polls pertaining to the voting preferences of various segments of the voting public, and also poll results believed useful to political analysts. Thus we are supplied with election figures showing that party differences are more pronounced according to voters' occupations than along sectional lines, and that in the last three presidential elections the appeal of the Democratic party was greater among younger people, and consistently greater among union members than among non-union workers, with a somewhat greater proportion from C.I.O. unions favoring the Democratic party than from A.F.L. unions. Persons interested in studying current political trends and electoral behavior can only hope that this or a similar publication will appear regularly at annual or biennial intervals, with such improvements as its frequent use may dictate.—BELLE ZELLER.

In recent months, there has been speculation, criticism, and much loose talk about the sale of surplus war property, but it has remained for James Allan Cook, in his *The Marketing of Surplus War Property* (Public Affairs Press, 1948, pp. vii, 211, \$3.25), to give a detailed, technical analysis of this gigantic venture. Dr. Cook examines the nature of the problem, government policies, and the procedures and policies of the marketing organization, and gives his conclusions in respect to the success of the program. The author considers the frequent legislative changes, the short tenure of administrators, and the failure to concentrate on developing adequate marketing policies the most outstanding weaknesses of the undertaking. As a marketing expert, Dr. Cook concentrates on the inadequacy of the marketing organization. He gives special attention to the weak distributive organization, the failure of the War Assets Administration to utilize "normal channels of trade," late development of the "site sale" method, poor regional disposal operations, the over-emphasis on priority sales, and insufficient use of samples and displays. His criticisms are accompanied by detailed constructive proposals for improving marketing administration. Fortunately, the author believes that the disposal program has gradually improved and that by January, 1947 (marking the end of his study) it showed promise of completing the liquidation of consumers goods and the utilization of government industrial facilities with fair success. This treatment of a major government postwar problem is a valuable addition to the literature on democratic emergency administration.—CONLEY H. DILLON.

In *A Study of Judicial Review in Virginia, 1789-1928* (Columbia University Press, 1947, pp. 249, \$3.00), Margaret Virginia Nelson analyzes illustrative cases involving the constitutionality of statutes and administrative acts as decided by the General Court and the supreme court of appeals of Virginia in the several periods of the state's history. The author finds that the judicial veto was used sparingly in the ante-bellum period. Political realignments in the Civil War and Reconstruction years, coupled with popular distrust of the legislative branch, brought a new prominence to the judiciary as arbitrator between the ideologies of competing factions. In the third period, 1875-1902, greater use of the police power to meet problems growing out of industrial and urban expansion provoked dozens of controversies involving the scope of public authority and private rights. Detailed limitations imposed upon the legislative power by the long constitution of 1902 were responsible for an even greater amount of litigation involving constitutional questions in the final period covered by this study, 1902-1928, when the legislature was attempting to deal with broad social policies such as regulation of corporate business, public health and education, zoning, and highways. The author

concludes that in spite of its frequent use, judicial review has "exerted slight tangible influence upon the course of legislative enactment," and has "played an unimportant rôle in the shaping of vital public policies" in Virginia (p. 202). The author's concluding chapter, together with the extensive bibliography and helpful charts on the organization of the judiciary under the several Virginia constitutions, may be quite useful to students of state government who can endure the annoyance of irregular and inadequate citations, grammatical errors, and numerous misspelled words overlooked by a hasty editor.—ALDEN L. POWELL.

The Municipal Year Book, 1948 (Chicago: International City Managers' Association, 1948, pp. 558, \$8.50 if remittance accompanies order, otherwise \$9.00) is the fifteenth edition of a standard reference work whose purpose, according to the latest foreword, is "to provide municipal officials with discussions on the current problems of cities throughout the country, with facts and statistics on individual city activities, and with analyses of trends by population groups." Among the new features in this edition are data on the type of personnel organization in each city, municipal policy on employee unions, airport management and revenues, cemetery management, taxicab regulation, and sewer service charges. The finance section contains information reported by hundreds of cities on new local non-property taxes adopted in 1947, and also revenue, expenditure, and debt data for certain cities. The planning section shows the types of improvements that subdivision developers must install before plats are approved for areas both inside and outside a city. New articles on administrative research and municipal reference libraries reflect the increasing emphasis placed by municipal officials on advisory aids to better management. Because 1947 was a legislative year, with all except one state legislature meeting, more emphasis is placed on the articles summarizing developments in each field of municipal activity.—F. A. O.

In *City Manager Government in South Dakota* (Governmental Research Bureau, University of South Dakota, 1948, pp. 48), W. O. Farber, in accord with the purpose of the series in which it appears, presents for citizen use city manager government as it has arisen, developed, and now operates in four communities of that state. There is the usual problem of defining what constitutes city manager government, and, in South Dakota, as in other instances, this problem is not made easier by the growing up of governments prior to legislative planning. One of these communities, Clark, population 1,314, has council-manager government by ordinance and not only represents the experience of a small community with manager government, but has had experience for a comparatively long period, i.e., since 1912. The other three, Aberdeen, Madison, and Rapid City, have

the commission-manager type, rather recently adopted. The author is brief in his analysis of the day-to-day operations of these governments, but he has courageously undertaken the difficult task of appraisal of results. He finds specific gains dubiously attributable to manager government, but generally concludes that "the record of manager government in South Dakota is not one to contradict the favorable experience elsewhere." "For the most part, action and accomplishment have characterized manager government" in the state.—H. C. COOK.

In his *The Problem of Government in the San Francisco Bay Region* (Bureau of Public Administration, University of California, Berkeley, 1948, pp. iv, 163), John C. Bollens contributes a valuable study in the comparatively recent field of metropolitan government. It is worthy of note that the San Francisco region has typical metropolitan problems and, in addition, problems peculiar to its own geographic identity. The geographic, social, and economic characteristics of the region are carefully analyzed. The multiple governmental complex in the eight counties includes 69 cities, one city-county, 222 special purpose districts, 383 school districts, and 16 special assessment districts, for a total of 699 governmental entities. The resultant problems of transportation, waste disposal, water supply, fire and police protection, and recreation are presented carefully. Popular control is complicated, if not rendered ineffective, by the complex of personalities and issues thrust before the electorate periodically. Efforts at simplification are carefully analyzed, together with the legal obstacles, Maps, charts, and tabular presentations are excellent. This monograph should constitute required reading for the student of municipal and local government.—DAVID W. KNEPPER.

Teachers of municipal government and of political parties will welcome the reissue of Lincoln Steffens' famous muck-raking essays, *The Shame of the Cities* (New York: Peter Smith, 1948, pp. 306, \$3.50). The library copies of this minor classic in American local politics have long ago become dog-eared from constant use. Many young political scientists have made their first acquaintance with the politics of bosses and boodle through the pages of Steffens' work. Some have even acquired from this time-tested catalyst their first sense of moral indignation and their first zeal for political reform. American city government has advanced a long way since Steffens' exposures, but much of what he found may still be found in St. Louis, Minneapolis, Pittsburgh, Philadelphia, Chicago, and New York.—WILLIAM H. YOUNG.

FOREIGN AND COMPARATIVE GOVERNMENT

Teachers of foreign government have been hard put to it in recent years to find suitable texts for their students. To meet the need for a text which

is up to date, Philip W. Buck and John W. Masland, in *The Governments of Foreign Powers* (Henry Holt and Co., 1947, pp. viii, 439, \$3.25), describe, as of January, 1947, the governments of England, France, the Soviet Union, Italy, Germany, Japan, and China. The emphasis is upon contemporary government. At a time when fresh and recent texts are scarce, teachers of comparative government must be grateful that this volume is available. It may be noted, however, that approximately 102 pages are devoted to England, 50 to France, 49 to the Soviet Union, 30 to Italy, 25 to Germany, 81 to Japan, and 62 to China. This brevity of treatment is posited upon the authors' attempt "to give a simple but accurate description" (p. v) of the governments selected; but in this attempt they have been constrained to make statements such as the following: "In a text such as this, any review of English constitutional history must be brutally condensed" (p. 13); "A single chapter can do no more than suggest the subtlety of the many interlocking relationships in the practice of English cabinet government" (p. 44); "It is hardly possible in a chapter to more than sketch the machinery of the courts" (p. 92). If this volume is no more than a "sketch" of foreign governments, it must be remembered that the authors set for themselves a difficult task, namely, the description of distant governments in a process of change. The work is accurate as far as it goes, and the simplicity aspired to is realized. Supplemented by newspaper and periodical material and by judicious use of the suggested readings appended to each chapter, this text should be of considerable value to classes in comparative government.—C. GORDON POST.

Howard Robinson's *The British Post Office; A History* (Princeton University Press, 1948, pp. 467, \$7.50) offers the unusual combination of systematic, meticulous scholarship with the interest of a well-written, intelligently organized travel book. For a study which would synthesize the political, economic, and social development of a nation, one could hardly find a more fitting subject than the evolution of the British postal system. Why, in Britain and the Dominions, is the postal service still known as the "Royal Mail?" Beginning essentially as an agency to ensure that the king's messengers (and hence his rule) could function effectively, the postal service evolved from a vital necessity to the upper crust of the economic classes to (under Rowland Hill and his contemporaries) a major factor in the dissemination of public information and popular education. Administratively, we see the conflict between the noble lord, who holds, in the conduct of the Post Office, a lucrative perquisite, and the "private enterprise" of the astute business man, who aims to afford a paying service to his colleagues. Both lose out to the growing conviction that an essentially public function is involved; in the process, the most effective ideas of private promoters are taken over by the government. The development of means of transportation, needless to say, holds a prominent place in the

narrative—the postboys, the stage and mail coaches, the improvement and extension of highways, the advent of the railroad, the popular expressions of alarm at each innovation. The climax of the story is the achievement in 1840 of Rowland Hill's triple reform—universal penny postage, prepayment of mail, and the adhesive stamp. But probably the most striking feature is the long history of developments, of individual initiative and continued effort, which built up to that climax. In addition to an adequate bibliography and references to his authorities, the author has contributed immensely to the effectiveness of his story by including a wealth of graphic material—thirty-six well chosen plates of historic interest, numerous maps of postal routes, and scores of facsimile postmarks and similar data. All told, it is an admirable performance.—A. GORDON DEWEY.

The already formidable galaxy of books and articles dealing with the various resistance movements during World War II has received a further addition in Hans Rothfels' *The German Opposition to Hitler* (Hinsdale, Ill.: Henry Regnery Co., 1948, pp. 172). The book deals with the history of the conspiracy against Hitler which culminated in the abortive attempt of July 20, 1944. To the facts already known from the books by Dulles, Gisevius, and Schlabrendorff, as well as a number of articles in periodical literature, the book under review adds but little of great significance. The author serves a meritorious cause in pointing out clearly that the opposition to Hitler did not start merely when military defeat began to rear its head, but actually commenced in the days of apparent Nazi triumphs. He also shows clearly that this was not merely a "general's revolt" organized by a small clique of malcontents, as tendentious comments still have it, but that it involved a surprisingly large number of people of heterogeneous origins and convictions—a fact which this reviewer has found to be true. The author further merits approval by going beyond the mere military and conspiratorial aspects of the plot and throwing what light there is on the political and ideological intentions of the conspirators—even if only to show the lack of unity prevailing among the inner circle. So far, so good. But in his laudable ardor, the author sometimes falls overboard and is replaced by the advocate of a cause. Thus he surrounds the wavering generals with an aura of high virtue which does not always seem justified, seeing in them only the regeneration of that "best" Prussian spirit of devotion to highest moral duty—an interpretation which is likely to cause raised eye-brows here and there. He also accepts too readily the assertions of the "inner emigration" and claims for the resistance such questionable, semi-criminal organizations as the "Edelweiss-Piraten." Nevertheless it is an interesting book, to be read

with some caution and only by the initiated, as its mass of details and names will hardly appeal to the novice.—ROBERT G. NEUMANN.

Russell H. Fitzgibbon and his editorial colleagues have added a substantial contribution to the basic reference collections in the field of comparative government by publishing the only complete compilation in English since 1909 of the constitutions of the countries of the Western Hemisphere (*The Constitutions of the Americas*, University of Chicago Press, 1948, pp. xx, 847, \$10.00). This is a volume which has been sorely needed and which will be welcomed immediately for its value in research and teaching. It is a thoroughly scholarly production, accurate in technical details, and edited to provide maximum convenience in use. Although the volume is primarily a reference work, it includes a well-written and penetrating introduction by Professor Fitzgibbon (based on his article on constitutional development in Latin America in this REVIEW, June, 1945). The short bibliographies on general and particular constitutional sources for each country summarize the standard works. The constitutions include those of the United States, Canada, and the Latin American countries as of January 1, 1948. In translation of the non-English documents, the editors tend to emphasize literal rather than free rendition and frequently follow translation of key works and phrases by insertion, in parentheses, of the same words in the original language. Fitzgibbon's lexicon of Latin American constitutional terms ("Glossary of Latin American Constitutional Terms," *Hispanic American Historical Review*, August, 1947) could profitably have been included in an appendix, and should be considered, space permitting, for future revisions. Frequent changes in the instruments of government characterize Latin American constitutional organization, and this reference work should be revised occasionally in accordance with such changes or supplemented by the issuance of periodic addenda.—WILLIAM S. STOKES.

The universal tendency toward the "service state" has resulted everywhere in both conflict and coöperation between local and central authorities. In his study, *British Block Grants and Central-Local Finance* (Johns Hopkins University Studies in Historical and Political Science, Series LXV, Number 1, 1947, pp. xiv, 222, \$2.50), Reynold E. Carlson has examined the British attempt to devise a scheme that would encourage local efficiency and enterprise and at the same time provide needed aid from the Exchequer to those localities less able to bear the cost of the services. This scheme is the donation of a fixed annual sum to the local authority without conditions as to its use. It was established by the Local Government Act of 1929 and replaced the haphazard system of allocated

grants which had been accumulating for generations. Professor Carlson has investigated the effect of block grants upon local government finances and has concluded that . . . "the first objective . . . to bring central aid more in proportion to local needs has not been achieved by a substantial margin." Block grants have proved so insufficient that *ad hoc* percentage grants are again appearing and municipal rates have been climbing steadily. The author notes further that the emphasis is no longer on the relative duties of central and local governments, but rather upon the power, legal and fiscal, to undertake the services. The long-range tendency is to transfer more and more authority to the Exchequer, which alone can provide the funds needed for reconstruction and the greatly expanded services currently planned. This study will be useful to students of government finance and to those interested in the dynamics of central-local relations. It brings up to date much of the material in Miss Newcomer's book, *Central and Local Finance in Germany and England*, published in 1937. The appendices include one making comparisons with parallel developments in Germany during the Nazi régime.—MORLEY AYEARST.

In writing *Lord Macaulay's Legislative Minutes* (India Branch, Geoffrey Cumberlege, Oxford University Press, 1946 [U.S., 1948], pp. 312, \$6.00), C. D. Dharker prepared a volume important for students of Macaulay himself, of India, and of the English reform movement of the 1830's. He publishes for the first time a substantial selection from Thomas Babington Macaulay's minutes prepared as the first law member of the India Council under the India Act of 1883. The minutes reveal Macaulay as a lucid, detailed, orderly writer concerned, like his guides, Mill and Bentham with attacking privilege, whether British or Brahmin. His administrative and judicial reforms reflected the liberal individualism of the early nineteenth century. Dharker writes in a clear, well documented style. His discussion of Macaulay's accomplishments is detailed and exacting. About half of the book is Dharker's commentary on Macaulay; the rest is the Macaulay minutes.—GARLAND DOWNUM.

INTERNATIONAL LAW AND RELATIONS

The Year Book of World Affairs, 1948 (London: Stevens and Sons, Ltd., 1948, pp. 376, 20s.), edited by George W. Keeton and Georg Schwarzenberger, is the second annual volume to be published under the auspices of the London Institute of World Affairs. It contains eleven substantial articles by recognized authorities, and excellent reviews of more than seventy books. The three most significant essays deal with topics in the field of international law, the special province of the editors. In a penetrating but cautious commentary on "The Judgment of Nuremberg," Georg Schwarzenberger warns against "attributing undue significance to the

judgment" because of "the incongruity between parts of the Tribunal's Charter and the present state of world organization" (p. 121). Yuen-Li Liang, director of the United Nations Division on the Development and Codification of International Law, discusses with admirable clarity the problems and prospects of promoting the work he is supervising, with particular reference to the nature and use of multipartite instruments. The analysis of "The Soviet Concept of International Law," by L. B. Schapiro, is informative and realistic. The leading article in the volume—"The Future of British Foreign Policy," by George W. Keeton—portrays the world setting in which British policy must operate, with considerable attention to the question of the closer integration of Western Europe and to the objectives of Soviet and American policies. Moritz J. Bonn contributes some interesting reflections on the latter topic; he believes that "there will be no war as long as they [the United States] remain firm" (p. 42). Geoffrey Goodman's sympathetic survey of the work of UNRRA opens with the startling assertion that "UNRRA was the first genuinely international organization which has worked effectively for the benefit of mankind" (p. 197). The remaining articles discuss the diverse subjects of "Japan," "Colour Problems of South Africa," "The European Economic Organizations," "The Security Council in Action," and "Moral Standards in International Relations." On the whole, the volume maintains enviably high standards. It should be of interest to all serious students of world affairs.—NORMAN D. PALMER.

An over-all view of the European (excluding the Soviet Union) economic situation is given in *A Survey of the Economic Situation and Prospects of Europe* (United Nations, 1948, pp. xvi, 206). The presentation, largely statistical, is divided into four parts: (1) the recovery in production; (2) the recovery in trade; (3) the balance of payments; and (4) the problems of European reconstruction. The recovery in production has been most marked. Excluding Germany and the Soviet Union, industrial production had reached the prewar level in 1947, although the gains were mostly in the heavy industries. Production in consumer goods industries was appreciably below the prewar level, as was agricultural production. The foreign trade of European countries, both in respect to each other and to overseas countries, has lagged in its recovery. In addition, the nature of the trade has been altered. A decline in intra-European trade in foodstuffs and raw materials has taken place, increasing Europe's dependence on overseas supplies. The huge deficit in the overseas balance of payments is considered the most critical feature of Europe's current economic situation. A restoration of equilibrium in the balance of payments, it is stated, "will not be possible without vast changes in the structure of the European economy." Among the problems of reconstruction discussed are (1) the problem of

inflation, (2) the problem of intra-European trade, and (3) the problem of production. Economic reconstruction of Europe to its prewar standards not only will require great effort, but also will necessitate a changed pattern of production and trade. What amounts to a mild revolution in economic relationships will have to take place.—NATHAN L. SILVERSTEIN.

In his revised edition of *International Government* (Ronald Press Co., 1948, pp. xx, 554, \$5.00), Professor Clyde Eagleton gives us an excellent piece of work that will meet a long-felt need for a satisfactory textbook in introductory courses in international organization. The author traces the development of international organization and international law from the very beginning down to the present and looks into the future in terms of regional agreements and world government. Also considerable emphasis is placed upon the growth of the administrative, legislative, and judicial functions of international organization. This is followed by a brief treatment of the League of Nations and its activities, the United Nations, and specialized international agencies. The analysis of the problem of war and obstacles in the way of preventing war are treated with clarity and understanding. The author is strongly in favor of effective international government and declares that the United States must assume the leadership among the nations of the world to make this a reality. He is a bit skeptical, however, as to how far this country will go in assuming such leadership. A practical system of world government, he declares, will probably be based upon the federal principle, although something new may ultimately be developed through experimentation in international organization. The book is heavily documented, which adds materially to its value for anyone interested in pursuing farther the wide range of subjects covered by the author. In addition, there is an extensive bibliography; and in the appendix are included the most important documents of international organization.—CARL M. FRASURE.

The Far East (Prentice-Hall, 1948, pp. xxi, 862, \$7.65), by Paul Hibbert Clyde, is a welcome addition to the texts now appearing on the Far East. The historian will find the work comprehensive and scholarly; the specialist in international relations will find it valuable in giving perspective on the difficult problem of the contemporary Far East. The author has placed his emphasis on Japan and China, although brief consideration is given to the Soviet Far East and Southeast Asia. The division of the book into 256 pages on the Far East up to 1894 and 544 pages on the area up to the summer of 1947 reveals the present emphasis on developments in the twentieth century. The interpretation of postwar developments in the Far East is judicious, although time alone will permit a more definitive evaluation of the momentous impact of the West on Eastern.

Asia, especially as a consequence of the recent war. The forty-three maps in the book will prove a valuable asset to most students whose geographical knowledge of Asia is somewhat limited. The chapters of the text are well footnoted, and the bibliography at the end of the book, arranged by chapters, contains brief comments on the best publications relating to the field. In the last chapter of his book, Professor Clyde predicts that the United Nations "will be tested as severely in the Far East as in Europe;" and one cannot read this able text on developments in the Far East without agreeing.—RUSSELL H. FIFIELD.

One of the most valuable papers to appear on the subject of foreign aid is Laura Metzger's *American Loans in the Postwar Period* (Foundation for Foreign Affairs, 1948, pp. viii, 60, \$0.50). This pamphlet achieves the high standard of its predecessors in the Foundation's series. A basis of the survey is the analysis of errors and lack of realism in the American foreign aid program from 1945 to 1947. The author then discusses various forms of direct lending, especially the Export-Import Bank's activities and the British loan. The rôle and inadequacies of the World Bank are examined; and a short but pertinent chapter is included on Greek-Turkish aid. Attention is given also to the inadequately-publicised matter of disposal of American Army surplus goods. The study contains many cogent remarks and inferences about the ERP and possible future lending programs. It is made plain that the Marshall Plan did not represent a new phase of American opinion, but was a development on a vaster scale from 1945-47 experience. The conclusions include the point that the long-range problem is one not of trade, but of markets. Therefore, while the new aid program may meet the reconstruction needs of the recipient nations, genuine economic salvation or peace may depend on a truly progressive international approach, including comparable assistance to under-developed areas throughout the world.—J. WILLIAM ROBINSON.

Twelve professors from ten American colleges and universities have pooled their efforts under the leadership of Floyd A. Cave, of San Francisco State College, to produce a symposium on contemporary world history. The book is entitled *The Origins and Consequences of World War II* (Dryden Press, 1948, pp. xxvi, 820, \$4.75). It is divided into two main parts. The first, and by far the longer, deals with the origins and the second with the consequences of the war. The scope of the book is somewhat broader than is indicated by its title. Except that it omits systematic analysis of military operations in war, its pattern does not greatly deviate from that made familiar by such works as those of Bennis and Langsam. Characteristically enough, it begins with a chapter on the roots of the First World War. Traditional but nevertheless competent treatment is

accorded in a chapter each to such subjects as the Versailles Conference, the League of Nations, the Soviet Union, and Fascist Italy. The book is brought up to date with chapters on Great Power rivalries after the Second World War and the United Nations. In addition to his duties as editor, Professor Cave has written six of the chapters on Continental Europe. W. Leon Godshall wrote the two chapters on the Far East, and Harold E. Davis the two which deal with the international affairs of the Americas. Other contributors include Glenn S. Dumke, Emil Lengyel, George Was- kovich, James L. Glanville, Raymond C. Cowherd, Oscar G. Darlington, Charles A. McClelland, and Raymond E. Lindgren. One of the more stimulating chapters is by Stefan T. Possony on the military causes of the two world wars. He draws the conclusion that at the outbreak of the Second World War there was, from the numerical point of view, no reason why the French and British air forces should not have overcome the *Luftwaffe*. They failed, and a factor in the failure was the inadequate ground and maintenance organization.—RALPH A. NOREM.

Mr. Geoffrey Crowther's *The Economic Reconstruction of Europe* (Claremont College, 1948, pp. ix, 79, \$2.75) is a contribution to the debate on ECA, investment or "Operation Rathole." In the first lecture, Mr. Crowther strikes a note of optimism which pervades all his remarks. Europe is on the road to recovery, and we should not be too impatient or expect too much. In the second lecture, he argues that European nationalism and socialism are not insurmountable obstacles to reconstruction. Some socialism is natural, and national states can be self-supporting again. In the long run, of course, the solution must be a Western European Federation. The third lecture relates America's part in European reconstruction. This volume suffers from the natural limitations of the lecture as a medium of mature discussion. The conclusions reached are plausible, and one appreciates their optimism; yet they are based upon some questionable assumptions. They assume, without examining the difficulties, a satisfactory solution of the German problem. They accept a divided Europe—the whole discussion deals almost exclusively with Western Europe. They assume that the problems of Europe stem from the war rather than from the basic forces which were responsible for the armed conflict. Mr. Crowther has necessarily left much unsaid or half-said, and one might take issue with these fundamental omissions or undeveloped assumptions.—LAWRENCE PELLETIER.

"Definitely directed at the leadership groups within all communities, large and small," Thomas R. Adams' *Education for International Understanding* (Institute of Adult Education, Teachers College, Columbia University, 1948, pp. viii, 181, \$2.00) falls short of its aim in that its lan-

guage too often is academic and lofty, its organization of material is confusing and unsystematic, and its presentation of subject-matter is obscured by "patter" and verbosity. There is a lack of concise and precise phraseology. Too much effort is required to read, re-read, and comprehend the concepts advanced. The book will appeal, and possibly be useful, only to a limited group of people who are so advanced in the techniques and mechanics of adult education as to be in little need of it.—W. LEON GODSHALL.

POLITICAL THEORY AND MISCELLANEOUS

A real contribution to the field of legal education in the United States has been made by Esther Lucile Brown in *Lawyers, Law Schools, and the Public Service* (Russell Sage Foundation, 1948, pp. 258, \$3.00). The book is an outgrowth of the author's visits to twenty-three law schools throughout the country selected for study upon a "cross section" basis. Miss Brown also spent considerable time in Washington analyzing the part taken by lawyers in the governing process in the executive branch. The monograph is divided into three parts: "Important Rôle Played by Lawyers in Official Positions"; "Nature of Work Done by Lawyers in Federal Agencies"; and "Implications for Legal Education." Two-thirds of the volume is devoted to the last part. The writer shows surprise at her own findings respecting the number of lawyers in the executive branch of the government, the diversity of work which they perform, and the importance of their contribution. (Incidentally, her summary of the different categories of legal work in the government will be helpful to pre-legal and legal students who are interested in the possibility of a career in the public service.) A knowledge of administrative law is also important, Miss Brown points out, for the private practitioner who increasingly finds himself handling cases before the great administrative tribunals and other agencies of the executive branch. The law schools are, in general, failing miserably to meet the new situation and continue to offer courses which teach "the law" as if the government scarcely existed, and in order that their graduates may win cases rather than understand social justice. She commends some worthy experiments under way to broaden legal education to include more emphasis upon social needs and governmental procedures, but such effort is too little and almost too late. The chief hurdle seems to be the failure of the legal profession to realize what must be done and the tendency of law-school administrators and teachers to be complacent or defeatist. This monograph should help them to see the problem and stimulate them to act.—WALLACE BREWSTER.

Political and social scientists will be grateful for Professor Louis Hartz' excellent study, *Economic Policy and Democratic Thought; Pennsylvania, 1776-1860* (Harvard University Press, 1948. pp. xii, 366, \$4.00). It is one

of four similar inquiries sponsored by the Social Science Research Council's committee on research in economic history. Taking Pennsylvania as a test case, Dr. Hartz shows how mythical is the still widespread view that the period from 1776 to 1860 was one of *laissez faire* dominance in theory and practice for state governments in the United States. He effectively demonstrates how active and leading a rôle the state of Pennsylvania played in the development of its resources and enterprises during this era through its business charter program, its joint ownership of mixed corporations, its public works system, and its regulation of economic activities, such as corporate enterprise, slavery, labor, liquor trade, and debtor-creditor relations. Then he explains how this pattern of state intervention and control was supplanted by one of far more restricted state action just before the outbreak of the Civil War, partly as a result of state bankruptcy and administrative failure in public enterprises, partly as a consequence of attacks by pressure groups adversely affected by state activity, *e.g.*, the liquor interests and the Pennsylvania Railroad. The political victory of the anti-state group led after the Civil War to the creation of a false *laissez faire* image of the antebellum past, of strategic utility to the triumphant big business interest. Sound and valuable as this work is, some points of omission deserve attention. I regret that Professor Hartz did not correlate the rôle of Pennsylvania's representatives in the national government in this period with his findings on intrastate matters. I also wish that he had made fuller identification of key individuals, given more detailed accounts of specific pressure groups, made greater use of economic theory, and presented more searching analysis of the social factors that molded public opinion, policy, and practice.—SIDNEY RATNER.

Arthur M. Weimer and Homer Hoyt's *Principles of Urban Real Estate* (Ronald Press Co., 1948, pp. xiv, 512, \$4.75) presents a revised edition of a college textbook designed for courses in real estate and land economics. Part I of the book deals with the central theme of real estate values and the factors which tend to cause value changes. Though the volume is admittedly concerned with the economic approach to the problem of real estate, the political scientist will find interesting materials concerning the causes and stages of city growth, types of cities, methods of city expansion, pattern of land use, methods of analyzing future growth, and the dynamics of neighborhoods and districts. The chapter on regulations proposes some of the more standard solutions to the general property tax evil, and discusses planning, zoning, building codes, subsidies, and government ownership. The presentation of problems involved in the valuation of property should appeal to the layman and the public administrator as well as the student of real estate. Part II of the book is concerned chiefly with the policies and operations of persons and enterprises engaged in the

real estate business. Here, governmental agencies are described as establishing the "rules of the game" within which private firms and individuals operate. The last quarter of the book contains appendices, which include an article on the use of statistical data, a table of real estate licensing laws in the several states, and tables on annuity valuations, but it is chiefly devoted to "study projects" or case studies coördinated with the chapters. The authors are critical of ill-conceived and obsolete city plans, zoning regulations, building codes, tax systems, licensing laws, legal forms and processes, and title search systems. These are subjects of criticism by political scientists too. The authors' attitude about the value and need of well conceived and properly revised and administered governmental controls does not seem to warrant the criticism leveled against the first edition.—DONOVAN F. EMCH.

Louisiana State University and the trustees of the Littlefield Fund for Southern History at the University of Texas are jointly publishing a series of ten volumes representing "a full and impartial study of the South and its part in American history" from the seventeenth century to the present day. *The Development of Southern Sectionalism, 1819-1848* (1948, pp. xxii, 400, \$6.00), by Charles S. Sydnor, professor of history at Duke University, is volume five in the projected series. It covers a most significant period in our history, years packed with emotional tension, as the South receded from the dominant rôle in national politics into the position of conscious sectional minority. Professor Sydnor details an account of internal developments and federal relations through a third of a century, but his technique is analytical rather than chronological. Political events appear in perspective against the changing background of social and economic conditions which profoundly altered the mental outlook of the South and caused it to repudiate the democratic creed of the Virginia dynasty. In the mid-nineteenth century, Southern statesmen talked less about the rights of man, argued more about constitutional law, and substituted allegiance to the section for patriotism to the nation. The church, the schools, and even literature, were imbued with "local color" to affirm the perfection of a sectional system based on slavery. Authenticated with an excellent critical essay on source materials, this is an outstanding piece of Southern historical scholarship; written in good literary style, it can be enjoyed by the lay as well as the academic reader.—MARIAN D. IRISH.

Herbert S. Allan's *John Hancock: Patriot in Purple* (Macmillan Co., 1948, pp. xiv, 422, \$6.00) is the most comprehensive and fully documented biography of Hancock that has yet appeared. John Adams once prophesied that such an account would never be written; and the probable reason for his remark becomes apparent to a reader of this book. The evidence

left by John Hancock's contemporaries with regard to their estimate of his character is either so laudatory or so condemnatory that it often leads Mr. Allan to an explanation that the truth must lie somewhere between two extremes. The net result is a somewhat indistinct portrait of the man. The style of the book is often florid. Inconsequential errors and misleading statements with respect to the time of meeting and the composition of the Annapolis and Philadelphia conventions are noted (p. 326). A bibliography is appended.—J. S. G. CARSON.

In *Gene Debs; The Story of a Fighting American* (International Publishers, 1948, pp. 128, \$1.50), Herbert M. Morais and William Cahn render a service to those who may wish to draw a better perspective of the labor movement of our times, by presenting in easy style and exciting fashion the devotion and contributions of a truly great leader to labor's interests more than a generation ago. The work can hardly be regarded as a biography. It is incomplete, sketchy, dramatizing particularly the events of the Great Northern Railway strike, the Pullman strike, the Debs campaigns for the presidency, and his imprisonment in the Atlanta penitentiary. In it there is nothing new, but its readable style makes it a contribution for the popular reader.—H. C. COOK.

RECENT PUBLICATIONS OF POLITICAL INTEREST

CHARLES B. HAGAN

AND

J. AUSTIN RANNEY

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books and Pamphlets

- Andrews, Bert.* Washington witch hunt. Pp. 218. N. Y.: Random. 1948.
- Bachman, George W., and Meriam, Lewis.* The issue of compulsory health insurance. Pp. 280. Washington [D. C.]: Brookings Inst. 1948.
- Bean, Louis H.* How to predict elections. Pp. 206. N. Y.: Knopf. 1948.
- Blinken, Donald M.* Wool tariffs and American policy. Pp. 180. Washington, D. C.: Public Affairs Press. 1948.
- Cannon, Clarence,* comp. Democratic manual of the Democratic National Convention. Pp. 44. Washington: 1948.
- Cottrell, Leonard S., Jr., and Eberhart, Sylvia.* American opinion on world affairs in the atomic age. Pp. 173. Princeton: Princeton Univ. Press. 1948.
- Fairbank, John King.* The U. S. and China. Pp. 398. Cambridge: Harvard Univ. Press. 1948.
- Fairman, Charles.* American constitutional decisions. Pp. 467. N. Y.: Holt. 1948.
- Gallup political almanac for 1948. Pp. 612. Princeton: Am. Institute of Public Opinion. 1948.
- Goodbar, Joseph E., and Bergeron, Lorenzo U.* A creative capitalism. Pp. 380. Boston: Boston Univ. Press. 1948.
- Graham, Malbone W.* American diplomacy in the international community. Pp. 279. Baltimore: Johns Hopkins Press. 1948.
- Hesseltine, William Best.* Lincoln and the war governors. Pp. 437. N. Y.: Knopf. 1948.
- Hiss, Donald.* U. S. participation in the U. N. Pp. 47. N. Y.: Commission to Study the Organization of Peace. 1947.
- Hull, Cordell.* The memoirs of Cordell Hull. 2 vols. Pp. 1822. N. Y.: Macmillan. 1948.
- Jelenko, Victor.* Bring politics into our schools; a plan for enduring peace. Pp. 116. Baltimore: Society to Promote Education for Democratic Citizenship. 1948.
- Kerwin, Jerome, ed.* Civil-military relationships in American life. Pp. 192. Chicago: Univ. of Chicago Press. 1948.
- Killingsworth, Charles C.* State labor relations acts. Pp. 337. Chicago: Univ. of Chicago Press. 1948.
- Kise, Joseph, and Sjoselius, George B.* Minnesota, the state and its government. Pp. 87. Moorhead [Minn.]: 1948.
- Lovett, Robert Morss.* All our years; the autobiography of Robert Morss Lovett. Pp. 383. N. Y.: Viking. 1948.
- Lyons, Eugene.* Our unknown ex-president; a portrait of Herbert Hoover. Pp. 340. Garden City [N. Y.]: Doubleday. 1948.
- MacIver, Robert M.* The more perfect union; a program for the control of intergroup discrimination in the U. S. Pp. 317. N. Y.: Macmillan. 1948.
- Metzger, Laure.* American loans in the postwar period. Pp. 60. Washington: Foundation for Foreign Affairs. 1948.

Morais, Herbert M., and Cahn, William. Gene Debs: the story of a fighting American. Pp. 128. N. Y.: Int'l Publishers. 1948.

Newman, James R., and Miller, Byron S. The control of atomic energy; a study of its social, economic, and political implications. Pp. 447. N. Y.: McGraw-Hill. 1948.

N. Y. State Bar Assn. Robinson-Patman Act symposium. Pp. 157. N. Y.: Commerce Clearing House. 1948.

Parsons, Wilfrid. The first freedom: considerations on church and state in the U. S. Pp. 190. N. Y.: D. X. McMullen. 1948.

Pleasant, Samuel A. Fernando Wood of N. Y. Pp. 216. N. Y.: Columbia Univ. Press. 1948.

Reede, Arthur H. Adequacy of workmen's compensation. Pp. 422. Cambridge: Harvard Univ. Press. 1948.

Reitzel, William. The Mediterranean: its rôle in America's foreign policy. Pp. 195. N. Y.: Harcourt. 1948.

Saville, Max. Seeds of liberty: the genesis of the American mind. Pp. 637. N. Y.: Knopf. 1948.

Schuyler, William M. ed. The American yearbook. Pp. 1148. N. Y.: Nelson. 1948.

Smith, A. Merriman. A president is many men. Pp. 279. N. Y.: Harper. 1948.

Stocking, George W., and Watkins, Myron W. Cartels or competition? Pp. 530. N. Y.: Twentieth Century Fund. 1948.

Stoddard, Henry L. Presidential sweepstakes: the story of political conventions and campaigns. Pp. 224. N. Y.: Putnam. 1948.

Welles, Sumner. We need not fail. Pp. 157. Boston: Houghton. 1948.

White, Leonard D. The federalists: a study in administrative history. Pp. 550. N. Y.: Macmillan. 1948.

Wise, James W. Meet Henry Wallace. Pp. 91. N. Y.: Boni and Gaer. 1948.

Articles

Administration. Organization and administration of the United States atomic energy commission. *Richard O. Niehoff.* Pub. Admin. Rev. Spring, 1948.

———. The veterans administration in transition. *Gladys M. Kammerer.* Pub. Admin. Rev. Spring, 1948.

———. A technique for controlling quality. *William R. Divine and Harvey Sherman.* Pub. Admin. Rev. Spring, 1948.

———. Public employment service: functions and operations. *Collis Stocking.* Mo. Labor Rev. June, 1948.

———. Problems of administrative regionalization. *William G. Torpey.* Soc. Sci. July, 1948.

Administrative Law. An examination of the Tennessee law of administrative procedure. *George S. Boone.* Vanderbilt Law Rev., Apr., 1948.

———. Judicial characteristics of administrative regulation. *John Dickinson.* N. Y. Univ. Law Quar. Rev. Apr., 1948.

———. Administrative rules—interpretative, legislative and retroactive. *Kenneth Culp Davis.* Yale Law Jour. Apr., 1948.

———. Judicial review under the administrative procedure act—in which judicial offspring receive a congressional confirmation. *Alfred Long Scanlan.* Notre Dame Lawyer. May, 1948.

———. Non-reviewable administrative action. *Kenneth Culp Davis.* Univ. of Pa. Law Rev., June, 1948.

———. Presidential subdelegation of administrative authority in wartime. II: World War II. *Nathan D. Grundstein.* Geo. Wash. Law Rev. Apr., June, 1948.

Admiralty. A decade of admiralty in the supreme court of the U. S. *Edwin D. Dickinson and William S. Andrews, Jr.* Calif. Law Rev. June, 1948.

Bill of Rights. Procedural safeguards in the bill of rights. *William O. Douglas.* Jour. of Am. Judicature Society. Apr., 1948.

———. The Jehovah's witnesses cases. *William A. Elias, Jr.* Univ. of Kansas City Law Rev. Apr.-June, 1948.

———. The bill of rights, the fourteenth amendment, and the supreme court. *John Raeburn Green.* Mich. Law Rev. May, 1948.

———. Search and seizure. *Edgar J. Stephens, Jr.* Miss. Law Jour. May, 1948.

———. "Peace of mind in 48 pieces vs. uniform right of privacy. *Frederick J. Ludwig.* Minn. Law Rev. June, 1948.

———. Subversive of what? *Julian P. Boyd.* Atlantic. Aug., 1948.

Business Regulation. Definiteness and particularity in patent claims. *William Redin Woodward.* Mich. Law Rev. Apr., 1948.

———. Trademark protection of American firms in Argentina. *John Wolff.* Geo. Wash. Law Rev. Apr., 1948.

———. Social implications of the small loan laws of the U. S. *Robert W. Kelso.* Modern Law Rev., Apr., 1948.

———. The patent system: II. *Symposium.* Law and Contemp. Probs. Spring, 1948.

———. Restraint of trade—employees or enterprisers? *Milton M. Gottesman.* Univ. of Chicago Law Rev. Spring, 1948.

———. Public utility labor problems. *Clarence M. Updegraff.* Iowa Law Rev. May, 1948.

———. Copyright law and the modern dance arrangement. *John H. Merryman.* Notre Dame Lawyer. May, 1948.

———. Policy issues in international air transportation. *Oswald Ryan.* Geo. Wash. Law Rev., June, 1948.

———. Patents: practical considerations. I. *Jordan Kunik.* Conn. Bar Jour., June, 1948.

———. Insurance—the regulation phase. *David D. Berdon.* Conn. Bar Jour., June, 1948.

———. Oleomargarine—pattern for state trade barriers. *Eugene O. Porter.* Southwestern Soc. Sci. Quar. June, 1948.

———. Negotiated versus competitive debt financing. *Ralph S. Peterson.* Vanderbilt Law Rev., June, 1948.

———. The SEC and the broker-dealer. *Louis Loss.* Vanderbilt Law Rev., June, 1948.

———. The electric industry looks to the future. *Charles E. Oakes.* Pub. Util. Fort. June 3, 1948.

———. Free enterprise and the utilities. *Earl O. Shreve.* Pub. Util. Fort., June 3, 1948.

———. The early days of the rural electrification idea: 1914-1936. *Morris L. Cooke.* Am. Pol. Sci. Rev. June, 1948.

———. U. S. copyright act: anti-monopoly provisions need some revision. *Sam Bass Warner.* Am. Bar Assn. Jour. June, 1948.

———. The Shasta power controversy. *Jane Eshleman Conant.* Public Util. Fort. July 1, 1948.

———. Relation of security regulation to market timing. *J. Louis Donnelly.* Pub. Util. Fort., July 1, 1948.

———. What are air mail costs? *David S. Stanley.* Pub. Util. Fort. July 1, 1948.

- . Statistical use of accounting information in federal economic policy formation. *W. W. Cooper*. *Accounting Rev.* July, 1948.
- . The commercial and anti-trust aspects of term requirements contracts. *William E. Stockhausen*. *N. Y. Univ. Law Quar. Rev.* July, 1948.
- . The menace of monopoly. *Ellis Arnall*. *Southwest Rev.* Summer, 1948.
- Church and State.** Religion and the public schools. *B. H. Bode*. *School and Society*. Mar. 27, 1948.
- . The church, the state, and Mrs. McCollum. *Clarence E. Manion*. *Notre Dame Lawyer*. May, 1948.
- . No lamb of God in school. *William J. Butler*. *Catholic World*. June, 1948.
- Civil Rights.** The New York state law against discrimination. *Henry Spitz*. *N. Y. State Bar Assn. Bull.*, Feb., 1948.
- . Constitutionality of federal anti-lynching legislation. *Robert S. Olivier*. *Notre Dame Lawyer*. May, 1948.
- . White supremacy—crisis or plot? *Thomas Sancton*. *Nation*. July 24, 31, 1948.
- Civil Service.** Salaries of federal employees by major pay groups. *Lucile C. Ursell and John W. Mitchell*. *Mo. Labor Rev.*, July, 1948.
- . Civil service: wartime appointment. *Richards C. Osborn*. *Soc. Sci.*, July, 1948.
- . An appraisal of in-service training. *Arthur W. Bromage*. *Pub. Management*. July, 1948.
- . Women in government. *Bernice T. Van der Vries*. *State Govt.* June, 1948.
- . Paying state employees. *James M. Mitchell*. *State Govt.* May, 1948.
- . Do veterans want preference? *Ira H. Cisin and Jack Elinson*. *Personnel Admin.* May, 1948.
- . A democratic approach to creating personnel policy. *C. O. Henderson*. *Personnel Admin.* May, 1948.
- . What price ability in the public service? *Gordon R. Clapp*. *Personnel Admin.* May, 1948.
- . Separating one million employees. *Matthew R. Gray and Walter F. Meyer*. *Personnel Admin.* May, 1948.
- . How good is your classification plan? *Hiram S. Phillips*. *Pub. Personnel Rev.* July, 1948.
- . Personnel administration in the veterans administration. *George H. Sweet*. *Pub. Personnel Rev.* July, 1948.
- . The Minnesota cost-of-living pay plan. *Robert D. Stover*. *Pub. Personnel Rev.* July, 1948.
- . Cost accounting in a personnel agency. *Joseph W. Hawthorne and Muriel M. Morse*. *Pub. Personnel Rev.* July, 1948.
- . A reappraisal of federal employment as a career. *Paul H. Appleby*. *Pub. Admin. Rev.* Spring, 1948.
- Constitutional Law.** Insurance as commerce—after four years. *Pat McCarran*. *Notre Dame Lawyer*, Mar., 1948.
- . Vested rights and the portal-to-portal act. *Ray A. Brown*. *Mich. Law Rev. Apr.*, 1948.
- . The migratory divorce and full faith and credit clause. *Dougal Herr*. *Temple Law Quar.* Apr., 1948.
- . The portal-to-portal act of 1947; direct and indirect impairment of vested rights. *James D. Barnett*. *Ore. Law Rev.*, June, 1948.

———. Constitutional law in 1946–1947. *Robert E. Cushman*. Am. Pol. Sci. Rev. June, 1948.

———. The heart of the constitution. *V. A. Collins*. Ala. Lawyer. July, 1948.

———. The Alabama use tax and interstate commerce. *Robert E. Steiner, III*. Ala. Lawyer. July, 1948.

Criminal Procedure. Two years of the federal rules of criminal procedure. *Lester B. Orfield*. Temple Law Quar. Apr., 1948.

———. Criminal procedure from arrest to appeal; a book review. *Charles S. Potts*. Tex. Law Rev. May, 1948.

———. Collateral attack by habeas corpus upon federal judgments in criminal cases. *Frank A. Peters*. Wash. Law Rev. May, 1948.

———. The grand jury—use it or lose it. *A. Vere Shaw*. Jour. of Am. Judicature Society. June, 1948.

———. The interstate compact for the supervision of parolees and probationers. *Edwina Mitchell*. Ala. Lawyer. July, 1948.

Defense. All-out war on the production front? *A. H. Raskin*. Commentary. June, 1948.

———. Mobilizing the nation's power for national defense. *Purcell L. Smith*. Pub. Util. Fort. June 3, 1948.

———. No safety in numbers. *R. C. Richardson*. Atlantic. June, 1948.

———. Navy brass imperils our defense. *William Bradford Huie*. Am. Mercury. July, 1948.

———. The question of controls. *R. S. Meriam*. Harvard Bus. Rev. July, 1948.

———. If war comes again. *Jerry Kluttz*. Nation's Business. July, 1948.

———. The price of war. *Hanson W. Baldwin*. Harper's. July, 1948.

———. Defense agencies concerned about power supply. *T. N. Sandifer*. Pub. Util. Fort. July 15, 1948.

———. Relationship of the power industry to national defense. *J. W. Swaren*. Pub. Util. Fort. July 29, 1948.

———. The Maginot line of America. *Robert Wood Johnson*. Harper's. Aug., 1948.

———. The shifting strategy of American defense and diplomacy. *Samuel Flagg Bemis*. Va. Quar. Rev. Summer, 1948.

———. Our military needs. *Walter Millis*. Yale Rev., Summer, 1948.

Education. Regional educational planning in the south. *Millard F. Caldwell*. State Govt. May, 1948.

———. Regional education—southern leadership for the nation. *Burgin E. Dossett*. Tenn. Planner. June, 1948.

Finance. The community property trend. *William Q. DeFuniak*. Notre Dame Lawyer. Mar., 1948.

———. The problem of income tax in community property states. *B. Frank Watson*. Neb. Law Rev. May, 1948.

———. Constitutional uniformity as a rule for the validity of license taxes in Kentucky. *William L. Matthews, Jr.* Ky. Law Jour. May, 1948.

———. Some taxpayers got relief—more didn't. *Hyman Bookbinder*. Labor and Nation. May–June, 1948.

———. The rôle of economics in federal tax administration. *Wirth F. Ferger*. Nat. Tax Jour. June, 1948.

———. The great debt redemption, 1946–1947. *Hedwig Reinhardt*. Soc. Research. June, 1948.

———. Treasury tax studies, I. *Catherine Ruggles Gerrish*. Nat. Tax Jour. June, 1948.

- . The revenue act of 1948. *Edward N. Polisher*. Dickinson Law Rev. June, 1948.
- . Trends in the ad valorem taxation of intangibles. *Edward Roesken*. Taxes. July, 1948.
- . The revenue act of 1948. *John C. Curry*. Ala. Lawyer. July, 1948.
- . Idealism and war bonds: comparative study of the two world wars. *Gordon F. Streib*. Pub. Opinion Quar. Summer, 1948.
- . The great economy act. *Simon O. Lesser*. Am. Scholar. Summer, 1948.
- . Federal taxes and the family: the revenue act of 1948. *John W. Ervin*. So. Calif. Law Rev. July, 1948.
- . Land speculation and the taxing power. *J. R. Mason*. Am. Jour. of Econ. and Sociol. July, 1948.
- . Trends in governmental accounting. *Lloyd Morey*. Accounting Rev. July, 1948.
- Foreign Policy.** Statistics and foreign policy. *Willard L. Thorp*. Jour. of the Am. Statistical Assn. Mar., 1948.
- . The foreign loan policy of the U. S. *J. B. Condliffe*. Econ. Internazionale. Maggio, 1948.
- . The management of our operations abroad. *Edwin B. George*. Pub. Admin. Rev. Spring, 1948.
- . Training responsibilities in the department of state. *Frank Snowden Hopkins*. Pub. Admin. Rev. Spring, 1948.
- . Our present China policy. *Theodore H. Cohen*. World Affairs Interp. Spring, 1948.
- . America and the east-west crisis. *A. Th. Polyzoides*. World Affairs Interp. Spring, 1948.
- . Was there an ultimatum before Pearl Harbor? *Norman Hill*. Am. Jour. of Int. Law. Apr., 1948.
- . International legislation and the American system. *William L. Ransom*. Tulane Law Rev. June, 1948.
- . Our new German policy and the DP's. *Samuel Gringauz*. Commentary. June, 1948.
- . The Indo-China dilemma: an American responsibility. *Robert Laurel*. Am. Perspective. June, 1948.
- . American flipflop in Indonesia. *Andrew Roth*. Nation. July 10, 1948.
- . The 1947 foreign relief program. Dept. of State Bull. July 25, 1948.
- . The mechanism of American foreign policy. *William L. Langer*. Int. Affairs. July, 1948.
- . Secretary of State Marshall. *Donald Robinson*. Am. Mercury. July, 1948.
- . Pricing exports under the foreign assistance act of 1948. *Harry Howell*. Accounting Rev. July, 1948.
- . Pearl Harbor in retrospect. *Sherman Miles*. Atlantic. July, 1948.
- . Our mistakes in Germany. *S. Miles Bouton*. Am. Mercury. Aug., 1948.
- . What is our stake in China? *Nathaniel Pfeffer*. Va. Quar. Rev. Summer, 1948.
- Gambling.** Federal regulation and state gambling laws. *Walter H. Moses*. Vanderbilt Law Rev. June, 1948.
- Governors.** Governors' messages, 1948. State Govt. Mar., 1948.
- . Should the governor have a 4-year term: yes, *Robert S. Tubbs*, no, *Robert H. Clark*. Mich. State Bar Jour. May, 1948.
- . Should the governor appoint the secretary of state and attorney-gen-

eral? yes, *Marie H. Kamberg*, no, *Emmanuel B. Reese*. *Mich. State Bar Jour.* May, 1948.

Hawaii. A new constitution for Hawaii. *Norman Meller*. *State Govt.* June, 1948.

Housing. Can incentive taxation solve the housing shortage? *Edwin H. Spengler*. *Am. City.* June, 1948.

———. The controversy over a long-range federal housing program. *Cong. Digest.* June-July, 1948.

———. The record of public housing. *Anya F. Smith*. *Am. Mercury.* July 1948.

Immigration. Shall we open our gates again? *C. Lester Walker*. *Nation's Business.* June, 1948.

Indians. Wampum woes of the Navajos. *Oliver La Farge*. *Nation's Business.* July, 1948.

Judiciary. Amicus curiae—minister of justice. *Edmund Ruffin Beckwith* and *Rudolf Sobernheim*. *Fordham Law Rev.* Mar., 1948.

———. The judicial office in the U. S. *John J. Parker*. *N. Y. Univ. Law Quar. Rev.* Apr., 1948.

———. The Missouri non-partisan court plan—selection and tenure of judges. *Henry A. Bundschu*. *Univ. of Kansas City Law Rev.*, Apr.-June, 1948.

———. Measurement of judicial personnel. *Rodney L. Mott*. *N. Y. Univ. Law Quar. Rev.* Apr., 1948.

———. Historical bases of the federal judicial system. *John P. Frank*. *Ind. Law Jour.* Apr., 1948.

———. The lost horizon in pleading under the federal rules of civil procedure. *James Alger Fee*. *Col. Law Rev.* May, 1948.

———. Mr. Justice Rutledge. *David M. Levitan*. *Va. Law Rev.* May, 1948.

———. The selection and tenure of judges. *Ernest A. Inglis*. *Conn. Bar Jour.* June, 1948.

———. A free judiciary: American system contrasted with Soviet. *Alexander Wiley*. *Am. Bar Assn. Jour.* June, 1948.

———. Chief Justice Marshall and the mercantile tradition. *Wallace Mendelson*. *Southwestern Soc. Sci. Quar.* June, 1948.

———. The federal judiciary. *John J. Parker*. *Tulane Law Rev.* June, 1948.

Labor. An empirical theory of the labor movement: W. Stanley Jevons. *Millon R. Konvitz*. *Philosophical Rev.* Jan., 1948.

———. Where are we going with picketing? *Barbara Nachtrieb Armstrong*. *Calif. Law Rev.* Mar., 1948.

———. Unsolved problems of labor law. *Theodore R. Iserman*. *Temple Law Quar.* Apr., 1948.

———. The constitutional power of the chief officer in American labor unions. *Philip Taft*. *Quar Jour. of Econ.* May, 1948.

———. Labor legislation: the last two years. *State Govt.* June, 1948.

———. Labor unions can't do business with government. *Alfred M. Cooper*. *Pub. Util. Fort.* July 15, 1948.

———. Power is labor's dilemma. *Leopold Schwarzschild*. *Nation's Business.* Aug., 1948.

Legislatures. Some aspects of the legislative process in the U. S. *Paul Dolan*. *Dickinson Law Rev.* Mar., 1948.

———. Legislative research and planning in Kentucky. *Gladys M. Kammerer*. *Ky. Law Jour.* May, 1948.

———. Representation in the general assembly; some aspects of the present system. *John Hicks Riege*. *Conn. Bar Jour.* June, 1948.

———. Something about Congress. *Vernon X. Miller*. *Loyola Law Rev.* June, 1948.

———. Coördination of federal budgetary and appropriations procedures under the legislative reorganization act of 1946. *Avery Leiserson*. *Nat. Tax Jour.* June, 1948.

———. Constitution and legislature in Texas. *George O. Nokes, Jr.* *State Govt.* July, 1948.

Loyalty. Some aspects of loyalty. *Charles E. Merriam*. *Pub. Admin. Rev.* Spring, 1948.

———. The federal loyalty program: background and problems. *Roger S. Abbott*. *Am. Pol. Sci. Rev.* June, 1948.

———. Loyalty and the civil servant. *Edward H. Sherman*. *Rocky Mt. Law Rev.* June, 1948.

———. Loyalty review of federal employees. *H. Eliot Kaplan*. *N. Y. Univ. Law Quar. Rev.* July, 1948.

Military Justice. Reform in military justice. *Philip T. McCook*. *N. Y. State Bar Assn. Bull.* Apr., 1948.

———. Carter: an American Dreyfus? *Casper W. Ooms*. *Ill. Law Rev.* Mar-Apr., 1948.

Parties and Elections. Straws and bricks in the political winds. *Hazel G. Erskine*. *Labor and Nation*. May-June, 1948.

———. Where pandemonium and politics meet. *Junius B. Wood*. *Nation's Business*. June, 1948.

———. CIO and political discipline. *Jack Altman*. *Labor and Nation*. May-June, 1948.

———. The rise of negro voting in Texas. *Donald S. Strong*. *Am. Pol. Sci. Rev.* June, 1948.

———. The white primary: 1944-1948. *O. Douglas Weeks*. *Am. Pol. Sci. Rev.* June, 1948.

———. The sectional issue in the 1918 congressional elections. *Seward W. Livermore*. *Miss. Valley Hist. Rev.* June, 1948.

———. Rout of the bourbons. *Robert Bendiger*. *Nation*. July 24, 1948.

———. Harold E. Stassen. *Louis Jay Herman*. *So. Atlan. Quar.* July, 1948.

———. The Wallace party. *Howard K. Smith*. *Nation*. Aug. 7, 1948.

———. Henry Wallace: a divided mind. *Gardner Jackson*. *Atlantic*. Aug., 1948.

———. A new primary system. *Joseph P. Harris*. *State Govt.* July, 1948.

———. Ghosts that haunt the hustings. *Herbert Corey*. *Nation's Business*. Aug., 1948.

———. The dilemma of the democrats. *William G. Carleton*. *Va. Quar. Rev.* Summer, 1948.

Presidency. Proposed changes in the presidential election system. *Estes Kefauver*. *Vanderbilt Law Rev.* Apr., 1948.

———. The tenure of cabinet officers. *Everett S. Brown*. *Am. Pol. Sci. Rev.* June, 1948.

———. American presidential prospects. *S. K. Ratcliffe*. *Contemp. Rev.* June, 1948.

———. State law on the nomination, election, and instruction of presidential electors. *Ruth C. Silva*. *Am. Pol. Sci. Rev.* June, 1948.

———. Lincoln and the territorial patronage; the ascendancy of the radicals in the west. *Vincent G. Tegeder*. *Miss. Valley Hist. Rev.* June, 1948.

———. President Harry. *Richard H. Rovere*. *Harper's*. July, 1948.

———. Shall the people elect the president? *William S. Jenkins* and *Charles S. James, Jr.* *So. Atlan. Quar.* July, 1948.

- . The American president. *Clinton L. Rossiter*. Yale Rev. Summer, 1948.
- . The military hero as presidential candidate. *Albert Somit*. Pub. Opinion Quar. Summer, 1948.
- Public Health.** Kansas state board of health. *Dwight Howard*. Kan. Govt. Jour. May, 1948.
- Public Lands.** Who gets our public lands? *Arthur H. Carhart*. Atlantic. July, 1948.
- . Sacred cows and public lands. *Bernard DeVoto*. Harper's. July, 1948.
- Public Welfare.** The west looks to regional care. *Grant Macfarlane*. State Govt. May, 1948.
- . Public assistance categories: yes or no? *Alton A. Linford*. Soc. Service Rev. June, 1948.
- . The California youth authority. *Dorothy Freeman*. Soc. Service Rev. June, 1948.
- . Combatting mental illness. *Francis W. Russell*. State Govt. July, 1948.
- Public Works.** An approach to modern highway planning. *Spencer Miller, Jr.* State Govt. June, 1948.
- . Inventory of public construction needs. *E. J. Howenstine, Jr.* Am. Econ. Rev. June, 1948.
- . Single purpose flood control pays off in Ohio. *John P. Callahan*. Pts. I, II. Pub. Util. Fort. July 15, 29, 1948.
- Radio.** Motion pictures, radio, and comics. *Arthur J. Freund*. Jour. of Am. Judicature Society. Apr., 1948.
- . Recent trends in censorship of radio-broadcast programs. *Paul M. Segal*. Rocky Mt. Law Rev. June, 1948.
- . The rôle of radio in emergencies. *James H. Collins*. Pub. Util. Fort. June 17, 1948.
- Reconstruction.** Thaddeus Stevens: radical republican. *Carol L. Thompson*. Current Hist. May, 1948.
- . Andrew Johnson and the lost cause. *Carol L. Thompson*. Current Hist. June, 1948.
- Recreation.** State government's rôle in recreation. *Garrett G. Eppley*. State Govt. May, 1948.
- Social Security.** Coverage of the self-employed under the old-age and survivors insurance program. *Harold P. Packer* and *George J. Leibowitz*. Calif. Law Rev. Mar., 1948.
- . The employment security program. *E. J. Eberling*. Vanderbilt Law Rev. Apr., 1948.
- TVA.** TVA: a democratic method for the development of region's resources. *Gordon R. Clapp*. Vanderbilt Law Rev. Feb., 1948.
- Tidelands.** United States v. California (the Tidelands case). *Elton M. Hyder, Jr.* Miss. Law Jour. May, 1948.
- . Problems in Florida and other coastal states caused by the California tidelands decision. *Julius F. Parker*. Univ. of Fla. Law Rev. Spring, 1948.
- Taft-Hartley Act.** The labor management relations act. *Paul M. Herzog*. N. Y. State Bar Assn. Bull. Feb., 1948.
- . Administrative law and the Taft-Hartley act. *Gerhard P. Van Arkel*. Ore. Law Rev. Apr., 1948.
- . Collective bargaining and the Taft-Hartley act. *Walter L. Daykin*. Iowa Law Rev. May, 1948.
- . The Taft-Hartley act in action. *Thomas Robert Mulroy*. Univ. of Chicago Law Rev. Spring, 1948.
- . Labor under the Taft-Hartley act. *Julie Meyer*. Soc. Research. June, 1948.

- . The "new" national labor relations act in operation: first eight months. *William B. Lockhart*. Minn. Law Rev. June, 1948.
- . The adverse effect on the principle of voluntary arbitration of the Taft-Hartley act and of the anti-labor laws recently passed in some thirty states. *J. Albert Wall*. Arbitration Jour. Spring, 1948.
- . The closed shop and the Taft act. *Jerome L. Toner*. Jour. of Pol. Econ. June, 1948.
- . Collective bargaining under the Taft-Hartley act. *Beryl Harold Levy*. Harvard Bus Rev. July, 1948.
- . The periodical press and the Taft-Hartley act. *Philip Ash*. Public Opinion Quar. Summer, 1948.

COMPARATIVE GOVERNMENT

Books and Pamphlets

- Barnoun, A. J.* The making of modern Holland. Pp. 224. London: Allen and Unwin. 1948.
- Batten, T. R.* Problems of African development. Pt. 2, government and people. Pp. 180. London: Oxford Univ. Press. 1948.
- Brown, Hilton.* The sahibs: the life and ways of the British in India as recorded by themselves. Pp. 266. London: Hodge. 1948.
- Catlin, George.* In the path of Mahatma Gandhi. Pp. 320. London: Macdonald. 1948.
- Churchill, Winston L. S.* The gathering storm. Pp. 800. Boston: Houghton. 1948.
- Cross, Samuel H.* Slavic civilization through the ages. Pp. 205. Cambridge, Mass.: Harvard Univ. Press. 1948.
- Dobb, Maurice.* Soviet economic development since 1917. Pp. 474. London: Routledge and K. Paul. 1948.
- Fitzgibbon, Russell H., et al.* The constitutions of the Americas. Pp. 867. Chicago: Univ. of Chicago Press. 1948.
- Gaevernitz, Gero. U. S.* revolt against Hitler. The personal account of Fabian von Schlabendorff. Pp. 176. London: Eyre and Spottiswood. 1948.
- Gangulee, N.* Indians in the empire overseas. Pp. 263. London: New India Pub. Co. 1948.
- Girtin, T. Howard.* The lord mayor of London. Pp. 72. London: Oxford Univ. Press. 1948.
- Gouzenko, Igor.* The iron curtain, Pp. 286. N. Y.: Dutton. 1948.
- Jefferys, James B. ed.* Labour's formative years. Nineteenth century. Vol. II, 1848-80. Pp. 203. London: Lawrence and Wishart. 1948.
- Jewkes, John.* Ordeal by planning. Pp. 259. N. Y.: Macmillan. 1948.
- Labour party yearbook, 1947-48.* Pp. 367. London: Transport House. 1948.
- Lebedev, Vladimir Ivanovich.* Stanlinskaja Konstitutsiia. Pp. 79. Moscow: 1947.
- Lindsay, M.* Shall we reform the lords? Pp. 72. London: Falcon Press. 1948.
- Lovell, Maurice.* The Soviet way of Life. Pp. 219. London: Methuen. 1948.
- Majumdar, Ramesh Chandra, et al.* An advanced history of India. Pp. 1092. N. Y.: Macmillan. 1948.
- Marvel, Tom.* The new Congo. Pp. 408. N. Y.: Duell, Sloan and Pearce. 1948.
- Newton, A. P.* A hundred years of the British empire. Pp. 416. London: Duckworth. 1948.
- Nemov, Nikolai Vasilevich.* Vybory v mestnye sovery. Pp. 46. 1947.
- Nicholson, Marjorie.* Self-government and the communal problem. Pp. 45. London: Gollancz. 1948.

Ord, Lewis C. Politics and poverty. Pp. 188. London: Mayflower Pub. Co. 1948.

Qureshi, Anwar Iqbal. The future of the co-operative movement in India. Pp. 166. London: Oxford. 1947.

Rawlinson, H. G. The British achievement in India; a survey. Pp. 250. London: Wm. Hodge. 1948.

Rey, Charles Fernand. The Union of South Africa and some of its problems. Pp. 60. N. Y.: 1947.

Robson, William A. Public administration today. Pp. 26. London: Stevens. 1948.

Rossiter, Clinton L. Constitutional dictatorship: crisis government in modern democracies. Pp. 331. Princeton, N. J.: Princeton. Univ. Press. 1948.

Smellie, Kingsley Bryce. A history of local government. Pp. 192. N. Y.: Macmillan. 1948.

Vandenbosch, Amry, and Eldersveld, Samuel J. Government of the Netherlands. Pp. 150. Lexington, Ky.: Univ. of Kentucky, 1947.

Walsh, Edmund A. Total powers: a footnote to history. Pp. 381. Garden City, N. Y.: Doubleday. 1948.

Whitson, A. M., and Horsfall, L. F. Britain and the West Indies. Pp. 90, London: Longmans. 1948.

Ziegler, Oswald L. ed. This is Australia. Pp. 400. London: Harrap. 1948.

Articles

Australia. The Australian housing programme. *Ronald Mendelsohn.* Pub. Admin. Summer, 1948.

Austria. Austria: key for war and peace. *Karl Renner.* For. Affairs. July, 1948.

Burma. Constitutions in the making. *Marguerite Wardlow.* Common Cause. May, 1948.

Canada. Administrative law: 1923-1947. *F. R. Scott.* Can. Bar Rev. Jan., 1947.

———. The constitution in a changing world. *Vincent C. MacDonald.* Can. Bar Rev., Jan., 1948.

———. Free competition and the public interest. *S. F. Sommerfeld.* Univ. of Toronto Law Jour., Lent Term, 1948.

———. Discretionary powers of public authorities; their control by the courts. *C. B. Bourne.* Univ. of Toronto Law Jour., Lent Term, 1948.

———. Parliamentary broadcasting and the law of defamation. *A. G. Davis.* Univ. of Toronto Law Jour., Lent Term, 1948.

———. The effect of statutes upon the rights and liabilities of the crown. *H. Street.* Univ. of Toronto Law Jour., Lent Term, 1948.

———. Quasi-judicial powers under the unemployment insurance act. *H. S. Relf.* Can. Bar Rev., Mar., 1948.

———. Delegation of legislative power to the lieutenant-governors in council. *G. S. Rutherford.* Can. Bar Rev., Mar., 1948.

———. Royal commissions and Canadian agricultural policy. *V. C. Fowke.* Can. Jour. of Econ. and Pol. Sci. May, 1948.

———. Political participation and the organization of the coöperative commonwealth federation in Saskatchewan. *S. M. Lipset.* Can. Jour. of Econ. and Pol. Sci. May, 1948.

———. Canada: abdication of Mr. King. *Eds. Round Table.* June, 1948.

———. The Ontario elections. *G. M. A. Grube.* Can. Forum. July, 1948.

———. Investment in health. I. *John S. Morgan.* Can. Forum. July, 1948.

———. The political situation in Canada. *J. A. Stevenson.* Pol. Quar. July-Oct., 1948.

- China.** Land redistribution in communist China. *Frank C. Lee*. Pacific Affairs. Mar., 1948.
- . China and America. *C. Yun*. China. May, 1948.
- . Formosa in transition. *R. H. F.* World Today. May, 1948.
- . Law and courts in China. *S. Francis Liu*. China. June, 1948.
- . The outlook in China: tragedy of a divided country. *H. G. W. W.* World Today. June, 1948.
- . Chinese-American relations. *V. K. Wellington Koo*. China. June, 1948.
- . The American AAG in China. *David G. Barr*. China. July, 1948.
- . Aid to China: a Shanghai view. *Randall Gould*. Far Eastern Survey. July 7, 1948.
- . China's losing game in Mongolia. *James Burke*. Far Eastern Survey. July 7, 1948.
- . Some problems of Chinese youth in transition. *Ai-Li S. Chin*. Am. Jour. of Sociol. July, 1948.
- . Development of a Chinese constitutional law. *Roscoe Pound*. N. Y. Univ. Law Quar. Rev. July, 1948.
- Czechoslovakia.** Politics and education in Czechoslovakia. *Thomas Woody*. School and Society. June 19, 1948.
- . The Czechoslovak revolution. *Robert Bruce Lockhart*. For. Affairs. July, 1948.
- . The tragedy of Dr. Beneš. *R. Arnold Jones*. Soundings. July, 1948.
- . Memoirs of Eduard Beneš. Nation. July 10, 17, 24, 1948.
- Eire.** The foreign trade of the Irish free state. *G. A. Duncan*. Econ. Internationale. Maggio, 1948.
- . Ireland: the new government. *Eds.* Round Table. June, 1948.
- . Jim Larkin; Irish labor champion. *Thomas F. Doyle*. Catholic World. June, 1948.
- . The partition of Ireland. *Herbert L. Matthews*. Harper's. Aug., 1948.
- France.** L'heure de la resistance. *G. Rigassi*. Rev. de Droit Int. Jan.-Mar., 1948.
- . La pratique de la question de confiance sous la IV^e République. *Claude-Albert Colliard*. Rev. du Droit Pub. et de la Sci. Pol. Avril-Juin, 1948.
- . Edouard Drumont and La France Juive. *R. F. Brynes*. Jewish Soc. Studies. Apr., 1948.
- . France et Allemagne. *Henry Lepeytre*. Rev. Pol. et Parl. Mai, 1948.
- . L'organisation de la defense nationale. *Andri Monteil*. Rev. Pol. et Parl. Mai, 1948.
- . Le sens et la portée des elections à l'Assemblée Algérienne. *P. E. Viard*. Rev. Pol. et Parl. Mai, 1948.
- . Le régime parlementaire sous la IV^e République. (II). *B. Mirkin-Guetzévitch*. Rev. Pol. et Parl. Mai, 1948.
- . The new pessimism in France. *E. O. Siepmann*. Nine. Cent. and After. May, 1948.
- . French labour. *Melton S. Davis*. Fortnightly. May, 1948.
- . France's problems and prospects. *Jean Castet*. Contemp. Rev. May, 1948.
- . Le gouvernement du Gén. de Gaulle, IV, V. *Émile Giraud*. Rev. Pol. et Parl. Mai, Juin, 1948.
- . New signs in France's political skies. *Raymond Jouve*. America. June 5, 1948.

- . Tunisia—a convalescent protectorate. *S.E.C. World Today*. June, 1948.
- . Political forces in present-day France. *Henry W. Ehrmann*. *Soc. Research*. June, 1948.
- . French monetary and fiscal policies. *D. A. Snider*. *Am. Econ. Rev.* June, 1948.
- . The problem of political reform in France. *Humbert Michaud*. *Nine. Cent. and After*. June, 1948.
- . Nationalism in French North Africa. *Nina Epton*. *Contemp. Rev.* June, 1948.
- . The Langevin plan for the reform of education in France. *Adolph E. Meyer*. *School and Society*. July 10, 1948.
- . Schuman's overthrow. *Bernard Gaston-cheriau*. *Nation*. July 31, 1948.
- . German occupation and anti-semitism in France. *Elizabeth H. Zerner (with Robert T. Bower)*. *Pub. Opinion Quar.* Summer, 1948.
- Germany.** Law and the legislative process in occupied Germany: I, II. *Karl Loewenstein*. *Yale Law Jour.* Mar., Apr., 1948.
- . Jews in the revolution of 1848 in Germany. *Adolf Kober*. *Jewish Soc. Studies*. Apr., 1948.
- . Sources of law in Germany. *C. P. Harvey*. *Modern Law Rev.*, Apr., 1948.
- . Frankfurt, 1848 and 1948. *Felix E. Hirsch*. *Current Hist.* May, 1948.
- . Les droits de l'homme dans les constitutions des "pays" allemands. *P. M. Gaudemet*. *Rev. du Droit Pub. et de la Sci. Pol.* Avril-Juin, 1948.
- . German postwar constitutions (II). *William Fleming*. *Current Hist.* May, 1948.
- . The educational situation in Germany. *Chris A. de Young*. *School and Society*. May 1, 1948.
- . The French zone of Germany. *Stephen Simmons*. *Contemp. Rev.* June, 1948.
- . Postwar social services in Berlin. *David R. Hunter and Howard R. Studd*. *Soc. Service Rev.* June, 1948.
- . The German who should have been dead. *Cedric Belfrage*. *Harper's*. June, 1948.
- . The Bohemian background of German national socialism: the D.A.P., D.S.N.A.P., and N.S.D.A.P. *Erik R. von Kuehnelt-Leddihn*. *Jour. of Hist. of Ideas*. June, 1948.
- . New constitutions in Germany. *Robert G. Neumann*. *Am. Pol. Sci. Rev.* June, 1948.
- . Postwar German finances. *S. P. Chambers*. *Int. Affairs*. July, 1948.
- . Cohesion and disintegration in the wehrmacht in world war II. *Edward A. Shils and Morris Janowitz*. *Pub. Opinion Quar.* Summer, 1948.
- . Reaction of educated Germans to defeat. *Clifford Kirkpatrick*. *Am. Jour. of Sociol.* July, 1948.
- . Back to Berlin. *Ernest Borneman*. *Harper's*. Aug., 1948.
- . Land reform in Germany, U. S. zone. *P. Ucker*. *Am. Jour. of Econ. and Sociol.* July, 1948.
- Great Britain.** La reconstrucción económica de Gran Bretaña. *Fernando Eseribano*. *Moneda y Crédito*. Dec., 1947.
- . The hour of decision. *G. W. Keeton*. *World Affairs*. Apr., 1948.
- . Crown proceedings act, 1947. *Harry Street*. *Modern Law Rev.*, Apr., 1948.

- . The break-up of the poor law in Britain, 1907-47: an historical footnote. *John S. Morgan*. Can. Jour. of Econ. and Pol. Sci. May, 1948.
- . Parliament and press. *H. G. Nicholas*. Nine. Cent. and After. May, 1948.
- . Anglo-Egyptian relations. *Owen Tweedy*. Fortnightly. May, 1948.
- . A policy in the making. *George Glasgow*. Contemp. Rev. May, 1948.
- . Sir Stafford Cripps' first budget. *Francis W. Hirst*. Contemp. Rev. May, 1948.
- . The Indo-Irish parallel. *J. Sen*. Modern Rev. May, 1948.
- . Towards Liberal patriotism. *Frank Dupuis*. The purpose behind our policies. *Philip Fothergill*. Liberal. May, 1948.
- . The 1948 budget. *R. F. Harrod*. Soundings. May, 1948.
- . The British labor government and Franco Spain. *Elaine Windrich*. World Affairs Interp. Spring, 1948.
- . British rule in west Africa. *Vernon McKay*. For. Policy Rep. June 15, 1948.
- . Britain's hard experience in socialism. *Wade H. Hayes*. Pub. Util. Fort. June 3, 1948.
- . The groundnuts scheme. *Kathleen Gibberd*. Fortnightly. June, 1948.
- . The juvenile employment service. *E. W. Woodhead*. Fortnightly. June, 1948.
- . Trade anomalies in the West Indies, I, II. *Percy G. Donald*. Crown Colonist. May, June, 1948.
- . The Gold Coast; a study in colonial development. *Florence M. Bourret*. Current Hist. June, 1948.
- . The Liberal Assembly, 1948, in review. Liberal. June, 1948.
- . The twilight of collectivism. *Douglas Woodruff*. Soundings. June, 1948.
- . Africa and the British political parties. *Henry Swanzy*. Soundings. June, 1948.
- . The new English national assistance scheme. *John Moss*. Soc. Service Rev. June, 1948.
- . The British subject. *Eds.* Round Table. June, 1948.
- . United Kingdom; suitors for the middle class. *Eds.* Round Table. June, 1948.
- . How democratic is Britain? *Margaret Cole*. Harper's. July, 1948.
- . Social change and social class in the Sierra Leone protectorate. *K. L. Little*. Am. Jour. of Sociol. July, 1948.
- . The United Kingdom export drive and the future. *A. H. S. Hinchliffe*. Int. Affairs. July, 1948.
- . An alternative policy. *R. F. Harrod*. The doctors' surrender. *Lord Horder*. Submerging the national tradition. *Douglas Woodruff*. Soundings. July, 1948.
- . The Anglo-Guatemalan dispute. *R. A. Humphreys*. Int. Affairs. July, 1948.
- . The outlook for Britain. *Thomas Balogh*. For. Affairs. July, 1948.
- . Control of public expenditure in Great Britain. *Henry Bunbury*. Taxes. Aug., 1948.
- . Malta and self-government. *J. D. Krivine*. World Affairs. Summer, 1948.
- . Building a health service. *L. John Edwards*. Parliamentary control of government expenditure. *Osbert Peake*. Administrative problems of the board of trade. *John Henry Woods*. The participation of officials in administration. *A. J. T. Day*. Public Admin. Summer, 1948.

———. The British constitution in 1947. *K. C. Wheare*. Parl. Affairs. Summer, 1948.

———. The basis of procedure in the House of Commons, III. *Eric Taylor*. Parl. Affairs. Summer, 1948.

Greece. Operation Hellas: I. The Greek communist party. *F. A. Voigt*. II. Its setting in the world. *Ursula Branston*. Soundings. July, 1945.

Hungary. Hungary today. *Blanche Lucas*. World Affairs. Apr., 1948.

Iceland. Iceland: its importance in an air age. *J. W. World Today*. July, 1948.

India. Principles of a Gandhian constitution for India. *Khagendra Chandra Pal*. Mod. Rev. Apr., 1948.

———. The basis of organization of our armed forces. *D. M. Sen*. Modern Rev. May, 1948.

———. Now or never. *Chowdry Akbar Khan*. Modern Rev. May, 1948.

———. Judiciary in Free India. *S. C. Miller*. Modern Rev. May, 1948.

———. The executive, legislature, and judiciary of the Union of India. *R. N. Parikh*. Modern Rev. May, 1948.

———. Pakistan: the new state finds its feet. *Eds. Round Table*. June, 1948.

———. India: an enigmatic future. *Eds. Round Table*. June, 1948.

———. Crisis in Hyderabad. *William Barton*. Nat. Rev. July, 1948.

Indochina. Impasse in Indochina; the unity of Viet-Nam. *George Sheldon*. UN commission for Indochina? *John F. Embree*. Far Eastern Survey. June 2, 1948.

Italy. The Italian elections. *Ivor Thomas*. Contemp. Rev. May, 1948.

———. La nouvelle constitution italienne et le régionalisme (II). *A. E. Guillaume*. Rev. Pol. et Parl. Mai, 1948.

———. The political mentality of the Italians. *Erik von Kuehnelt-Leddihn*. Catholic World. June, 1948.

———. Italy after the elections. *Antonio Giordano*. Contemp. Rev. June, 1948.

———. The new Italian constitution. *G. C. World Today*. July, 1948.

———. Favorable omens in Italy. *Vittorio Ivella*. For. Affairs. July, 1948.

Japan. Reflections on Japan. *W. Macmahon Ball*. Pacific Affairs. Mar., 1948.

———. Japanese anti-trust legislation. *Lester N. Salwin*. Minn. Law Rev. May, 1948.

———. Reconstruction in Japan. *O. M. Green*. Fortnightly. June, 1948.

———. Japan: reform vs. recovery. *Jerome B. Cohen*. Far Eastern Survey. June 23, 1948.

———. Land reform in Japan. *Andrew J. Grad*. Pacific Affairs. June, 1948.

———. Taxation reform in occupied Japan. *Henry Shavell*. Nat. Tax Jour. June, 1948.

———. Japanese reparations: fact or fantasy? *Martin Toscan Bennett*. Pacific Affairs. June, 1948.

———. Japanese politics: 1947-1948. *Kermit G. Stewart*. Far Eastern Survey. July 7, 1948.

———. Will emperor Hirohito abdicate? *Norman Soong*. China. July, 1948.

———. Reconstruction in Japan: a chequered outlook. *E. S. K. World Today*. July, 1948.

———. Trust-busting in Japan. *Eleanor M. Hadley*. Harv. Bus. Rev. July, 1948.

———. Defeat and democracy in Japan. *Yasaka Takagi*. For. Affairs. July, 1948.

Korea. The Korean election. *Robert T. Oliver*. Land distribution in Korea. *Shannon McCune*. Far Eastern Survey. June 2, 1948.

———. Behind the Korean election. *Benjamin Weems*. Far Eastern Survey. June 23, 1948.

Latin America. An analysis of the Mexican liberal party, 1906. *Charles C. Cumberland.* The Americas. Jan., 1948.

———. A continent slides to ruin. *William Vogt.* Harper's. June, 1948.

———. Postwar Brazilian economic problems. *J. A. Kershaw.* Am. Econ. Rev. June, 1948.

———. Land utilization in Costa Rica. *Jorge León.* Geog. Rev. July, 1948.

Low Countries. Political and economic conditions in the low countries. *Eric C. Bellquist.* For. Policy Rep. May 1, 1948.

———. Le conseil d'état de Belgique. *L. Moreau et Andri Simmonard.* Rev. du Droit Pub. et de la Sci. Pol. Avril-Juin, 1948.

———. Belgium's prosperity: some problems of the future. *J.D.K.* World Today. June, 1948.

———. Holland takes the offensive. *Kenneth Adam.* Fortnightly. June, 1948.

Middle East. How not to develop a backward country. *Heshmat Ala'i.* Fortune, Aug., 1948.

———. The parliaments of Turkey and Persia. *M. Philips Price.* Parl. Affairs. Summer, 1948.

Mongolia. Mongol law—a concise historical survey. *V. A. Riasanovsky.* Mongol law—later developments. *Lawrence Krader.* The constitution of the Mongol People's Republic. Wash. Law Rev., May, 1948.

———. The constitution of the Mongol people's republic and soviet influences. *John N. Hazard.* Pacific Affairs. June, 1948.

New Zealand. New Zealand; the future and the past. *Eds.* Round Table. June, 1948.

Philippines. Financial and economic planning in the Philippines. *Shirley Jenkins.* Pacific Affairs. Mar., 1948.

Poland. Will Poland rise again? *Lawrence T. King.* Catholic World. June, 1948.

———. Geopolitics of Poland. *J. S. Roucek.* Am. Jour. of Econ. and Sociol. July, 1948.

Rumania. Rumania: the people's republic. *A. J. Fischer.* World Affairs. Apr., 1948.

Scandinavia. Political and economic conditions in the Scandinavian countries. *Eric C. Bellquist.* For. Policy Rep. May 15, 1948.

———. Scandinavia faces the future: neutrality or alliance? *A.G.S.* World Today. May, 1948.

———. The grand old man of Sweden. *Ernst Benedikt.* Contemp. Rev. June, 1948.

———. Scandinavia between the blocs. *Keith Hutchison.* Nation. July 17, 1948.

———. Scandinavia charts a course. *Erik Seidenfaden.* For. Affairs. July, 1948.

Spain. Spain's purposeful path. *E. G. de Caux.* Nine. Cent. and After. May, 1948.

———. Spain: dead on its feet. *William Fifield.* Harper's. June, 1948.

———. In Spain today. *D.K.M.K.* World Today. July, 1948.

———. Spain's rôle in European recovery. *John Gilmour.* Catholic World. July, 1948.

U.S.S.R. Modern Soviet divorce practice. *G. M. Sverdlov.* Modern Law Rev., Apr., 1948.

———. The spirit of Soviet law. *Harold J. Berman.* Wash. Law Rev., May, 1948.

———. The political control of history texts in the Soviet Union. *Frederic Lilje.* School and Society. May 29, 1948.

- . Stalinism and the historic Russia. *Russian Correspondent*. Soundings. May, 1948.
- . The central Asian republics: their place in the Soviet system. *C.G. World Today*. May, 1948.
- . Colonising the soviet arctic. *Frank Illingworth*. *Contemp. Rev.* June, 1948.
- . Russia, plus and minus. I, II. *Alexander Werth*. *Nation*. July 31, Aug. 7, 1948.
- . The Russians and Berlin. *Alexander Werth*. *Nation*. July 10, 1948.
- . Inside the Russian zone, 1945-1947. *Peter Nettle*. *Pol. Quar.* July-Oct., 1948.
- . Memoirs of a soviet author. *Dmitri Buligin*. *Am. Mercury*. Aug., 1948.
- . The permanent mission; an essay on Russia. *Hans Kohn*. *Rev. of Politics*. July, 1948.
- . Notes on life and travel in Russia. *Frederick C. Barghoorn*. *Yale Rev.* Summer, 1948.
- Union of South Africa. South Africa; the general election. *Eds. Round Table*. June, 1948.
- . Southwest Africa and the Union. *Eds. Round Table*. June, 1948.
- . Cross-roads in Africa. *W. Ward Jackson*. *Soundings*. July, 1948.
- . South Africa today. *Alexander Campbell*. *Nat. Rev.* July, 1948.

INTERNATIONAL RELATIONS

Books and Pamphlets

- Almond, Gabriel Abraham*. Western European politics and American policy. Pp. 43. New Haven: Yale Inst. of Int. Studies. 1948.
- Bonne, Alfred*. State and economics in the Middle East. Pp. 427. London: K. Paul. 1948.
- Crowther, Geoffrey*. The economic reconstruction of Europe. Pp. 88. Claremont, Calif.: Claremont Coll. 1948.
- Friedrich, Carl J.* Inevitable peace. Pp. 294. Cambridge: Harvard Univ. Press. 1948.
- Gafencu, Grigore*. The last days of Europe; a diplomatic journey in 1939. Pp. 188. London: Muller. 1948.
- Glubb, J. B.* The story of the Arab legion. Pp. 371. London: Hodder and Stoughton. 1948.
- Hentz, Frederick*. The economic problem of the Danubian states; a study in economic nationalism. Pp. 223. Forest Hills, N. Y.: Transatlantic arts. 1948.
- Jacobi, F. J. ed.* The Anglo-Palestine yearbook, 1947-48. Pp. 368. London: Anglo-Palestine Pubs. 1948.
- Juenger, Ernst*. The peace. Pp. 77. Hinsdale, Ill.: Henry Regnery Co. 1948.
- Kulischer, Eugene Michel*. Europe on the move; war and population changes. Pp. 388. N. Y.: Columbia Univ. Press. 1948.
- Layton, Lord*. United Europe: the way to its achievement. Pp. 31. London: News Chronicle. 1948.
- McNair, A. D.* Legal effects of war. 3d ed. London: Cambridge Univ. Press. 1948.
- Murray, Gilbert*. From the league to the U.N. Pp. 217. London: Oxford Univ. Press. 1948.
- Park, No-Yong*. The white man's peace; an oriental view of our attempts at making world peace. Pp. 252. Boston: Meador. 1948.

Purcell, Victor W. W. The Chinese in Malaya. Pp. 343. N. Y.: Oxford. 1948.

Ragatz, Lowell Joseph. March of empire: the European overseas possessions on the eve of the first world war. Pp. 92. N. Y.: H. L. Lindquist. 1948.

Ross, Alf. A textbook of international law. Pp. 313. London: Longmans, Green. 1947.

Roucek, Joseph S. Balkan politics: international relations in no man's land. Pp. 311. Stanford, Calif.: Stanford Univ. Press. 1948.

Wheeler-Bennett, J. W. Munich: prologue to tragedy. Pp. 507. London: Macmillan. 1948.

Wolf, Charles, Jr. The Indonesian story: birth, growth, and structure of the Indonesian republic. Pp. 211. N. Y.: John Day. 1948.

Ziff, William B. The rape of Palestine. Pp. 599. London: St. Botolph's. 1948.

Articles

Arctic. Arctic diplomacy. *Blair Bolles.* For. Policy Rep. June 1, 1948.

Blocs. Ruthenia: football of international politics. *Joseph S. Roucek.* World Affairs Interp. Spring, 1948.

———. Western lights. *William Rydal.* Fortnightly. May, 1948.

———. The western union; the big adventure. *George Glasgow.* Contemp. Rev. June, 1948.

———. Two worlds and none. *Frederick Mayer.* So. Atlan. Quar. July, 1948.

Boundaries. The postwar world map: new states and boundary changes. *Russell H. Fifield.* Am. Pol. Sci. Rev. June, 1948.

Communism. Communist strategy in Latin America. *J. H.* World Today. June, 1948.

———. The cominform and world communism. *Denis Healey.* Int. Affairs. July, 1948.

Danube. Freedom of navigation on the Danube. *Fred L. Hadsel.* Dept. of State Bull. June 20, 1948.

———. Russia balks Danube unionists. *Oscar Jaszi.* Freedom and Union. July-Aug., 1948.

Europe. Europe's hope for recovery. *J. J. McCloy.* Econ. Internazionale. Maggio, 1948.

———. The European crisis in France. *D. Thomson.* World Affairs. Apr., 1948.

———. Politics and police in postwar Europe. "Custos Custodiam." Soundings. May, 1948.

———. The economic and political implications of a customs union. *C. Westrate.* Quar. Jour. of Econ. May, 1948.

———. The defence of Europe. *Eds.* Round Table. June, 1948.

———. The American guarantor. *Eds.* Round Table. June, 1948.

———. Vers l'Europe unie. *Edouard Bonnefas.* Rev. Pol. et Parl. Juin, 1948.

———. Le congrès européen de la Haye. *Paul Bastid.* Rev. Pol. et Parl. Juin, 1948.

———. Customs union vs. economic union in western Europe. *Laura Metzger.* Am. Perspective. June, 1948.

———. British commonwealth and western union. *Eds.* Round Table. June, 1948.

———. The voice of Europe. *Harold Butler.* Fortnightly. June, 1948.

———. The European coal organization. *Nathaniel Samuels.* For. Affairs. July, 1948.

———. Quelques aspects psycho-sociologiques d'un ordre européen. *Pierre De Bie.* Politeia. Vol. I. Fasc. I. 1948/49.

———. Is a U.S. of Europe practical? *Junius B. Wood*. *Nation's Business*. Aug., 1948.

ERP. Can the Marshall plan save Europe? *Leopold C. Klausner*. *World Affairs Interp.* Spring, 1948.

———. Oltre il piano Marshall. *B. Griziotti*. *Econ. Internazionale*. Maggio, 1948.

———. Prélude aux finances européennes. *J. Compeyrot*. *Rev. Pol. et Parl.* Mai, 1948.

———. Britain under Marshall aid. *R. F. Harrod*. *Western Germany and Marshall aid. "Bergo."* An economic council for Europe. *Michael Fogarty*. *Soundings*. June, 1948.

———. Political hazards of the ERP. *Tibor Payzs*. *America*. June 5, 1948.

———. Europe-America: un problema de integracion. *Richard Pattee*. *Politeia*. Vol. I, Fasc. 1. 1948/49.

———. Foreign policy in the making: the ERP. *Blair Bolles*. *Am. Perspective*. June, 1948.

———. East-west trade and the Marshall plan. *William Diebold, Jr.* *For. Affairs*. July, 1948.

———. ERP. and British socialism. *Keith Hutchison*. *Nation*. July 31, 1948.

———. The impact of the European recovery program on inter-American trade. *Amos E. Taylor*. *Bull. Pan Am. Union*. July, 1948.

———. A new world takes shape. *Harold Butler*. *For. Affairs*. July, 1948.

———. The task of economic recovery. *John H. Williams*. *For. Affairs*. July, 1948.

International Finance. Gold in national and international economics. *K. P. Thakur*. *Mod. Rev.* Apr., 1948.

———. The international bank for reconstruction and development—a new departure in international finance. *Robert L. Garner*. *Vanderbilt Law Rev.* June, 1948.

International Law. Les responsabilités des industriels dans la preparation de la guerre. *N. Veicopoulos*. *Rev. de Droit Int.* Jan.-Mar., 1948.

———. La définition et la répression des crimes contre l'humanité. *J. Graven*. *Rev. de Droit Int.* Jan.-Mar., 1948.

———. Rappel à ceux qui préparent la guerre. *Th. Iliades*. *Rev. de Droit Int.* Jan.-Mar., 1948.

———. La responsabilité pénale des collectivités. *J. A. Roux*. *Rev. de Droit Int.* Jan.-Mar., 1948.

———. International agreements. *J. E. Read*. *Can. Bar Rev.*, Mar., 1948.

———. Trials of war criminals (non-Nuremberg). *Willard B. Cowles*. *Am. Jour. of Int. Law*. Apr., 1948.

———. Public opinion and the rules of civilized warfare. *Edward Clark Lukens*. *Temple Law Quar.* Apr., 1948.

———. International administrative law; a functional approach to peace. *Harrop A. Freeman*. *Yale Law Jour.* Apr., 1948.

———. The teaching of international law in law schools. *Kenneth S. Carlston*. *Colgate Law Rev.* May, 1948.

———. The quest for world law and order. *Wesley A. Sturges*. *Tulane Law Rev.* June, 1948.

———. The Corfu channel case; significance of first ruling by present court. *Manley O. Hudson*. *Am. Bar Assn. Jour.* June, 1948.

Inter-Parliamentary Union. The inter-parliamentary union. *Viscount Stansgate*. *Contemp. Rev.* June, 1948.

International Relations. The twilight of international morality. *Hans J. Morgenthau*. *Ethics*. Jan., 1948.

———. International relations and sociology. *W. Rex Crawford*. *Am. Sociol. Rev.* June, 1948.

———. Some views on semantics in international relations. *George A. Lundberg*. *Am. Perspective*. June, 1948.

———. An educated will to peace. *Norman Angell*. *World Affairs*. Summer, 1948.

———. Conflict of ideologies. *J. D. Mabbott*. *Philosophy*. July, 1948.

———. Economic penetration and power politics. *Charles C. Abbott*. *Harvard Bus. Rev.* July, 1948.

———. The concept of world-mindedness. *Emory S. Bogardus*. *Sociol. and Soc. Research*. July-Aug., 1948.

ITO. The ITO charter. *Richard Schüller*. *Soc. Research*. June, 1948.

League of Nations. Liquidation of League of Nations functions. *Denys P. Myers*. *Am. Jour. of Int. Law*. Apr., 1948.

———. The development of the league of nations idea in Great Britain, 1914-1919. *Henry R. Winkler*. *Jour. of Mod. Hist.* June, 1948.

Minorities. Minority population exchanges: Czechoslovakia and Hungary. *Istvan D. Kertesz*. *Am. Perspective*. June, 1948.

Narcotics. Narcotic drug control. *Herbert L. May*. *Int. Concil.* May, 1948.

Palestine. Palestine appeals to the privy council. *Norman Bentwich*. *Juridical Rev.* Apr., 1948.

———. The U.N. and the Palestine question. *A. S. Eban*. *World Affairs*. Apr., 1948.

———. Palestine note-book. *Bevil John Rudd*. *Nine. Cent. and After*. May, 1948.

———. Arabs, Zionists, and oil. *Sidney B. Fay*. *Current Hist.* May, 1948.

———. Iraq breaks with Britain. *Jon Kimche*. *Nine. Cent. and After*. June, 1948.

———. The great powers and Israel: what U.S. support means. *Hal Lehrman*. The rôle Britain hopes to play. *Richard H. S. Crossman*. *Commentary*. June, 1948.

———. After the mandate: the tragic error of the Balfour declaration. *Christopher Sykes*. *Soundings*. June, 1948.

———. Palestine et Islam arabe. *Georges Meyer*. *Rev. Pol. et Parl.* Juin, 1948.

———. Palestine in Asia. *Eds.* *Round Table*. June, 1948.

———. Struggle in Palestine. *Martin Lipset*. *Can. Forum*. July, 1948.

———. Can Israel help the Arabs? *David L. Cohn*. *Atlantic*. Aug., 1948.

———. Behind the Palestine mess. *William B. Ziff*. *Am. Mercury*. Aug., 1948.

Red Cross. The principles of the red cross. *Max Huber*. *For. Affairs*. July, 1948.

Regions. Okinawa: a problem in administration and reconstruction. *Daniel D. Karasik*. *Far Eastern Quar.* May, 1948.

———. Regional unity in southern Asia. *Virginia Thompson*. *Pacific Affairs*. June, 1948.

———. Problems confronting Christian missions in the far east. *Kenneth Scott Latourette*. *Pacific Affairs*. June, 1948.

———. International labor confederations: CIT and CTAL. *Jack Barbask*. *Mo. Labor Rev.* May, 1948.

———. La conference pan-américaine de Bogota. *Angel Marvaud*. *Rev. Pol. et Parl.* Mai, 1948.

———. Latin America at Havana. *Harry B. Murkland*. *Current Hist.* June, 1948.

- . Bogota, 1948. *William C. Atkinson*. Fortnightly. June, 1948.
- . Bogota conference. *William Sanders*. Int. Concil. June, 1948.
- . Inter-American labor and democracy. *Bernado Ibanez*. Am. Federation-ist. June, 1948.
- . The Spanish for Monroe doctrine. *Eds.* Round Table, June, 1948.
- . The Bogotá conference. *Alberto Lleras*. Bull. Pan Am. Union. June, 1948.
- . The ninth Pan American child congress. *Katherine F. Lenroot*. Bull. Pan Am. Union. June, 1948.
- . The new world looks at its Indians. *Robert C. Jones*. Bull. Pan Am. Union. June, 1948.
- . The charter of the organization of American states. *William Manger*. Bull. Pan. Am. Union. July, 1948.
- . Canada and the inter-American system. *Vincent Massey*. For. Affairs. July, 1948.
- . The institute of inter-American affairs. I, II, III, IV. *Louis J. Halle*, Jr. Dept. of State Bull. May 23, June 13, June 27, July 11, 1948.
- Timor. Colonial rivalries in Timor. *William Burton Sowash*. Far Eastern Quar. May, 1948.
- Trieste. Trieste as an international centre. *Anne Dacie*. Fortnightly. May, 1948.
- Trustees. The states directly concerned: article 79 of the U.N. Charter. *George V. Wolfe*. Am. Jour. of Int. Law. Apr., 1948.
- . Legal problems arising from the U.N. trusteeship system. *Frances B. Sayre*. Am. Jour. of Int. Law. Apr., 1948.
- . Political development in western Samoa. *J. W. Davidson*. Pacific Affairs. June, 1948.
- . Trusteeship in action: the U.N. mission to Western Samoa. *Lawrence S. Finkelstein*. Int. Organization. June, 1948.
- . The squalid farce of trusteeship. *Julius Lewin*. Nation. July 31, 1948.
- U.N. International disputes and the limitations of the U.N. *Kurt Wilk*. Arbitration Jour. Spring, 1948.
- . The special Balkan committee of the general assembly of the united nations. *Warren R. Austin*. Notre Dame Lawyer. Mar., 1948.
- . The share of Canada in the making of the U.N. *Clyde Eagleton*. Univ. of Toronto Law Jour. Lent Term, 1948.
- . The U.N. in action today. *Linden A. Mander*. World Affairs Interp. Spring, 1948.
- . U.N. progress report: the first three months of 1948. *Royal Purcell*. World Affairs Interp. Spring, 1948.
- . The world court and the U.N. *F. Blaine Sloan*. Iowa Law Rev. May, 1948.
- . The specialized agencies and the U.N.: progress report, II. *Walter R. Sharp*. Int. Organ. June, 1948.
- . Voting in the security council. *Bernhard G. Bechhoefer*. Dept. of State Bull. July 4, 1948.
- UNESCO. Fresco, UNESCO, and Mr. Wierblowski. *George D. Stoddard*. School and Society. Mar. 6, 1948.
- . The human sciences and world peace—a report on the UNESCO project: tensions affecting international understanding. *Hadley Cantril*. Pub. Opinion Quar. Summer, 1948.
- Veto. The use of the veto. *Norman J. Padelford*. Int. Organ. June, 1948.

- . The veto versus the sense of the meeting. *Richmond P. Miller*. World Affairs. Summer, 1948.
- World Government.** Right road to European federation. *A. R. Brent*. Common Cause. May, 1948.
- . The question of a minimum constitution. *Erich Kahler*. Common Cause. June, 1948.
- . World government and social justice. *George Catlin*. Common Cause. June, 1948.
- . Dead end: federalism limited. *Harris Wofford*. Common Cause. May, 1948. Strait is the gate. *Ibid.* June, 1948.
- . War and peace in western thought. *Mortimer J. Adler*. Common Cause. June, 1948.
- . Foundations of the world republic. I. II. *G. A. Borgese*. Common Cause. June, July, 1948.
- . Looking toward one world. *Symposium*. Annals of Am. Acad. July, 1948.
- . A speech in Frankfurt. *Robert M. Hutchins*. Common Cause, July, 1948.
- . The functional approach to world organization. *David Mitrany*. Int. Affairs. July, 1948.
- . Why minimal world government? *Emile Benoit-Smullyan*. Common Cause. July, 1948.
- . Looking toward one world. *Symposium*. Annals Am. Acad. of Pol. and Soc. Sci. July, 1948.
- WHO.** The world health organization. *Brock Chisholm*. Its program and accomplishments. *C.-E. A. Winslow*. Int. Concil. Mar., 1948.
- World War II.** Peace settlements of world war II. *Symposium*. Annals Am. Acad. of Pol. and Soc. Sci. May, 1948.
- . Problems of a Japanese peace settlement. *Doland P. Ray*. World Affairs. Summer, 1948.
- . The parallel problems of Italy and Japan. *Frederick Mignone*. So. Atlan. Quar. July, 1948.
- . Germany, the Soviet Union, and Turkey during world war II. *Harry N. Howard*. Dept. of State Bull. July 18, 1948.
- World War III.** The labor aspect of world war III preparedness. *Stanley Paul*. Labor and Nation. May-June, 1948.

LOCAL GOVERNMENT

Books and Pamphlets

- Bollens, John C.* The problem of government in the San Francisco Bay region. Pp. 162. Berkeley: Bureau of Pub. Admin. Univ. of California. 1948.
- Collins, Arthur.* Municipal internal audits. 8th ed. Pp. 364. London: Gee, 1948.
- Forbes, James, ed.* Municipal yearbook, 1948. Pp. 1456. London: Municipal Journal. 1948.
- Hasluck, H. S.* Local government in England. 2d ed. Pp. 364. London: Cambridge Univ. Press. 1948.
- Mauck, Elwyn A.* Improving the government of Takoma Park. Pp. 45. College Park, Md.: Univ. of Maryland. 1948.
- National Inst. of Municipal Law Officers.* Parking meters—legality—model ordinance, annotated by Charles S. Rhyne and Charlie O. Murphy. Pp. 29. Washington: Author. 1947.

Ridley, Clarence Eugene, and Simon, Herbert A. Specifications for the annual municipal report. Pp. 52. Chicago: Int. City Managers Assn. 1948.

Articles

Butte. What happened in Butte. *Joseph Kinsey Howard.* Harper's. Aug., 1948.
Cities. Cities need more advisory services. *Luther Gulick.* Pub. Management. June, 1948.

———. What's wrong with our cities? *Hubert H. Humphrey.* Am. City. July, 1948. Minn. Municipalities. July, 1948.

———. A forward look in municipal accounting. *Lloyd Morey.* Mun. Finance. Feb., 1948.

———. Principles of municipal utility accounting. *Irving Tenner.* Mun. Finance. Feb., 1948.

Finance. Remedies for disproportionate tax assessments in Kentucky. *George Mushlenkamp.* Kentucky Law Jour. May, 1948.

———. Some problems in special assessment district obligations; a study of Michigan drain bond cases. *Irvin Long.* Michigan Law Rev. May, 1948.

———. Fitting budgetary procedures to local needs. *H. G. Appleby.* The Municipality. June, 1948.

———. A new local tax policy in Pennsylvania. *Raymond E. Evleth.* Dickinson Law Rev. June, 1948.

———. Assessing community needs for capital improvements. *Charles L. Crangle.* Tenn. Planner. June, 1948.

———. The economic classification of cities and its fiscal implications. *Carl H. Chatters.* Nat. Tax Jour. June, 1948.

———. New sources of municipal revenue. *Frederick C. Peitzsch.* Pub. Management. July, 1948.

———. Pennsylvania's new local taxes. *H. F. Alderfer.* State Govt. July, 1948.

Law Enforcement. Defects in the administration of justice in Hamilton county (Cincinnati), Ohio. *Charles O. Porter.* Jour. of Am. Judicature Society. June, 1948.

Local Government. A plea for local government. *M. Hookham.* Pol. Quar. July-Oct., 1948.

———. Local government reform. *W. A. Robson.* Pol. Quar. July-Oct., 1948.

National Program. A national program for municipal governments. *Carl H. Chatters.* Am. City. July, 1948. Western City. July, 1948. Minn. Municipalities. July, 1948.

Personnel. Trends in municipal personnel problems. *Frederick C. Peitzsch.* Pub. Management. June, 1948.

Organization. The organized community—bulwark of democracy. *Harold W. Dodds.* Am. City. July, 1948.

———. Organizing communities for coördinated action. *C. A. Harrell.* Am. City. July, 1948.

Torts. Municipal tort liability in New York. *William J. Lloyd.* New York Univ. Law Quar. Rev. Apr., 1948.

Zoning. A survey of zoning ordinances and plan commissions in Wisconsin cities and villages. *Ernest A. Mosher.* The Municipality. July, 1948.

POLITICAL AND LEGAL PHILOSOPHY

Books and Pamphlets

Adams, George P. Man and metaphysics. Pp. 168. N. Y.: Columbia Univ. Press. 1948.

- Aquinas, St. Thomas.* Introduction to St. Thomas Aquinas. Anton C. Pegis, ed. Pp. 720. N. Y.: Modern Library. 1948.
- Augustine, St.* The city of God. tr. and ed. by Marcus Dods. 2 vols. pp. 573, 580. N. Y.: Hafner Pub. Co. 1948.
- Barker, Ernest.* National character and the factors in its formation Rev. ed. Pp. 268. London: Methuen. 1948.
- Berlin, Isaiah.* Karl Marx; his life and environment. Pp. 280. London: Oxford. 1948.
- Biržiška, Vaclovas.* Abraham Kulvietis: the first Lithuanian humanist. Pp. 30. Pinneberg: Baltic Univ. 1947.
- Bosworth, Edward I.* The Christian religion and human progress. ed. by Ernest Pye. Pp. 339. Oberlin, O. Otis C. McKee. 1948.
- Cowell, F. R.* Cicero and the Roman republic. Pp. 306. London: Pitman. 1948.
- Harper, Ralph.* Existentialism: a theory of man. Pp. 175. Cambridge [Mass.]: Harvard Univ. Press. 1948.
- Hyde, D.* From communism towards catholicism. Pp. 24. London: Paternoster. 1948.
- Inge, William R.* The end of an age and other essays. Pp. 288. London: Putnam. 1948.
- Jensen, Merrill.* The Articles of Confederation; an interpretation of the social constitutional history of the American revolution, 1774-1781. 2d. ed. Pp. 299. Madison: Univ. of Wisconsin Press. 1948.
- Labaree, Leonard W.* Conservatism in early American history. Pp. 322. N. Y.: New York Univ. Press. 1948.
- Laski, Harold J.* Communist manifesto: socialist landmark. Pp. 171. London: Allen and Unwin. 1948.
- Lasswell, Harold D.* Power and personality. Pp. 262. N. Y.: Norton. 1948.
- Lasswell, Harold D.* The analysis of political behavior; an empirical approach. Pp. 314. London: K. Paul, Trench, Trubner. 1948.
- Lauterbach, Albert T.* Economic security and individual freedom: can we have both? Pp. 182. Ithaca, N. Y.: Cornell Univ. Press. 1948.
- MacArthur, Kathleen W.* The Bible and human rights. Pp. 74. N. Y.: Woman's Press. 1948.
- Maclaren, D.* Private property and the natural law. Pp. 24. London: Blackfriars Pubs. 1948.
- Mahmassani, Sobhi.* General theory of the law of obligation and contracts under Muhamman jurisprudence. 2 vols. (Arabic text) London: Luzac. 1948.
- Merleau-Ponty, Maurice.* Humanisme et terreur; essai sur le problème communiste. Pp. 206. Paris: Gillimand. 1947.
- Mosier, Richard D.* Making the American mind. Pp. 207. N. Y.: King's Crown Press. 1948.
- Moulin, Léo.* Socialism of the west; an attempt to lay the foundations of a new socialist humanism. Pp. 336. London: Gollancz. 1948.
- Salter, James A.* Personality in politics; studies in contemporary statesmen. Pp. 253. N. Y.: Macmillan. 1948.
- Stanka, V.* The great age of world history. Pp. 26. Hamburg: Baltic Univ. 1946.
- Sydnor, Charles S.* The development of southern sectionalism, 1819-1848. Pp. 412. Baton Rouge: Louisiana State Univ. Press. 1948.
- Viteno, Z.* Thoughts about the coming man. Pp. 32. Pinneberg: Baltic Univ. 1947.
- Wheeler, Leonard R.* Harmony of nature; a study in coöperation for existence. Pp. 208. N. Y.: Longmans. 1948.

Articles

- Chinese Political Thought.** Political thought in China, 1900-1947. *Shao Chang Lee*. China. May, 1948.
- Collective Responsibility.** Collective responsibility. *H. D. Lewis*. Philosophy. Jan., 1948.
- . Collective guilt. *Ferdinand A. Hermens*. Notre Dame Lawyer. May, 1948.
- Communist Manifesto.** The centenary of the communist manifesto. *F. Neilson*. Am. Jour. of Econ. and Sociol. July, 1948.
- Conservatism.** Conservatism—*V. T. E. Ulley*. Nat. Rev. July, 1948.
- . The world of John Adams. *Rudolph von Abele*. Am. Mercury. July, 1948.
- . Der konservative staatsgedanke. *Karl Wick*. Politeia. Vol. I Fasc. 1. 1948/49.
- Defensor Pacis.** John of Jandun and the defensor pacis. *Alan Gewirth*. Speculum. Apr., 1948.
- Democracy.** Democracy and communism. *Hari Singh Gour*. Mod. Rev. Apr., 1948.
- . Freedom and planning in a democracy. *Bryn J. Howde*. Am. Scholar. Summer, 1948.
- . Human equality: the essence of democracy. *Maximilian Beck*. Common Cause. July, 1948.
- . Voluntary arbitration in a democratic society. *P. H. Casselman*. Arbitration Jour. Spring, 1948.
- De Tocqueville.** Alexis de Tocqueville and America. *Henry Wasser*. So. Atlan. Quar. July, 1948.
- Ethics.** Relativism and ethics. *Herbert Dingle*. Nine. Cent. and After. May, 1948.
- Federalism.** Notes sur le concept "federalisme." *Hans Nawiasky*. Foederalismus und subsidiaritätsprinzip. *Karl Thieme*. Politeia. Vol. I Fasc. 1. 1948/49.
- Freedom.** Laissez faire and free enterprise. *G. R. Davies*. Am. Jour. of Econ. and Sociol. July, 1948.
- . Effects of international tension on liberty under law. *Fritz Morstein Marx*. Colorado Law Rev. May, 1948.
- . Free society; its basic nature and problem. *Frank H. Knight*. Philosophical Rev. Jan., 1948.
- . The value of freedom. II. *Karl W. Deutsch*. Am. Scholar. Summer, 1948.
- Gandhi.** Mahatma Gandhi's place in history. *Nandalal Chatterji*. Mod. Rev. Apr., 1948.
- . Gandhism—a problem stated. *Promatha Nath Ganguly*. Mod. Rev. May, 1948.
- . Mahatma Gandhi. *D. N. Pathak*. Chicago Jewish Forum. Summer, 1948.
- Gentile.** Gentile and Jew. *Jean-Paul Sartre*. Commentary. June, 1948.
- History.** A critique of philosophies of history. *Maurice Mandelbaum*. Jour. of Philosophy. July 1, 1948.
- Human Nature.** Human nature and government policy. *Alexander H. Leighton*. Philosophical Rev. Jan., 1948.
- Ideology.** Beyond ideology. *George H. Sabine*. Philosophical Rev. Jan., 1948.
- Individual.** The individual and society. *B. J. Howde*. Am. Jour. of Econ. and Sociol. July, 1948.

Jurisprudence. Morris Cohen's approach to legal philosophy. *Harold J. Laski*. Univ. of Chicago Law Rev. Spring, 1948.

———. The inherent conservatism of the legal profession. *Edgar Bodenheimer*. Indiana Law Rev. Apr., 1948.

———. Roscoe Pound and interpretations of modern legal philosophies. *Sidney Post Simpson*. New York Univ. Law Quar. Rev. July, 1948.

———. El derecho como superador de antagonismos. *Justus Wilhelm Hede-
mann*. Moneda y Crédito. Dec., 1947.

———. El recurso de la inconstitucionalidad. *Marco Tulio Zeledón*. Rev. del Colegio de Abogados. Jan., 1948.

———. Mas sobre el recurso de inconstitucionalidad. *Alfredo Saborio*. Rev. del Colegio de Abogados. Feb., 1948.

———. The humane study of law. *Daniel J. Boorstin*. Yale Law Jour. Apr., 1948.

———. An introduction to legal reasoning. *Edward H. Levi*. Univ. of Chicago Law Rev. Spring, 1948.

———. L'humanisme juridique et l'acte de volonté. *Roger Latournerie*. Rev. du Droit Pub. et de la Sci. Pol. Avril-Juin, 1948.

———. Say it with music. *Jerome Frank*. Harvard Law Rev. June, 1948.

———. The natural law and pragmatism. *Ben W. Palmer*. Notre Dame Lawyer, Mar., 1948.

———. Some early stages in European law. *P. B. R. Forbes*. Juridical Rev., Apr., 1948.

———. Roman law as an element in European culture. *J. Kerr Wylie*. South African Law Jour. May, 1948.

———. Max Radin. *William O. Douglas*. California Law Rev. June, 1948.

Lévy-Bruhl. Lévy-Bruhl's concept of "l'Art Moral Rationnel." *Joseph Neyer*. Soc. Research. June, 1948.

Liberalism. The plight of liberalism. *Philip L. Ralph*. So. Atlan. Quar. July, 1948.

———. What liberalism means to me. *John T. Flynn*. Am. Mercury. Aug., 1948.

———. The dilemma, so-called, of the American liberal. *Louis Filler*. Antioch Rev. Summer, 1948.

———. Liberalism, socialism, and communism. II. *W. L. Burn*. Nine. Cent. and After. May, 1948.

Madison. James Madison: Virginia revolutionist and ardent nationalist. *Waller P. Armstrong*. Am. Bar Assn. Jour. May, 1948.

Marx. The social philosophy of Karl Marx. *Abram L. Harris*. Ethics. Apr., 1948.

———. Karl Marx. *Daniel Villey*. Rev. Brasileira de Econ. Dec., 1947.

———. De Maistre and Marx in the modern world. *Cortez Ewing*. Southwestern Soc. Sci. Quar. June, 1948.

Materialism. The retreat from materialism. *Sarah Wingate Taylor*. Catholic World. July, 1948.

Muhammad. Pirenne and Muhammad. *Daniel C. Dennett*. Speculum. Apr., 1948.

Obligation. Obligation and moral agency. *Lucius Garvin*. Ethics. Apr., 1948.

Planning. Le problème de la planification dans une économie collectiviste, II. *M. Allais*. Kyklos. Fasc. 1, 1948.

Political Order. Problèmes de l'ordre politique. *Leon Van Vassenhove*. Politeia. Vol. I, Fasc. 1. 1948/49.

Populism. Leonard Brown, poet and populist. *Luella M. Wright*. Ia. Jour. of Hist. and Pol. July, 1948.

Private Property. The right to private property; an ethical demand on economics. *Arthur Utz*. La subordination de la liberté économique à l'ordre de la personne. *Alain Barrère*. I criteri decisivi della controversia fra sistema di concorrenza ed economia pianificata. *Francesco Vito*. The right of labor to participate actively in the life of enterprise. *Politeia*. Vol. I, Fasc. 1. 1948/49.

Progress. What is progress? *Willson H. Coates*. *Jour. of Philosophy*. Jan. 29, 1948.

Realism. Realism—or is it? *Patricia Regan*. *Catholic World*. June, 1948.

Rights of Man. The philosophic bases and material circumstances of the rights of man. *Richard McKeon*. *Ethics*. Apr. 1948.

Socialism. The evolution of the socialist vocabulary. *Arthur T. Bestor, Jr.* *Jour. of Hist. of Ideas*. June, 1948.

MISCELLANEOUS

Books and Pamphlets

Chesterton, A. K., and Leftwich, J. The tragedy of anti-semitism. Pp. 296. London: R. Anscombe. 1948.

Davies, David R. Reinhold Niebuhr: a prophet from America. Pp. 117. N. Y.: Macmillan. 1948.

Frank, Lawrence Kelso. Society as the patient. Pp. 395. New Brunswick: Rutgers Univ. Press. 1948.

Josephson, Emanuel M. The strange death of Franklin D. Roosevelt; history of the Roosevelt-Delano dynasty, America's royal family. Pp. 333. N. Y.: Chedney Press. 1948.

Nesbitt, Henrietta. White House diary. Pp. 314. Garden City, N. Y.: Doubleday. 1948.

Prest, A. R. War economics of primary producing countries. Pp. 308. London: Cambridge Univ. Press. 1948.

Roheim, Geza. Psychoanalysis and the social sciences. Pp. 427. London: Imago. 1948.

Schaffner, Bertram. Fatherland; a study of authoritarianism in the German family. Pp. 215. N. Y.: Columbia Univ. Press. 1948.

Schneider, Louis. The Freudian psychology and Veblen's social theory. N. Y.: King's Crown Press. 1948.

Sward, Keith. The legend of Henry Ford. Pp. 558. N. Y.: Rinehart. 1948.

Wecker, Dixon. The age of the great depression, 1929–1941. Pp. 374. N. Y.: Macmillan. 1948.

Yeomans, Henry A. Abbott Lawrence Lowell, 1856–1943. Pp. 577. Cambridge, [Mass.]: Harvard Univ. Press. 1948.

Articles

Crime. Capital punishment. *G. Bernard Shaw*. *Atlantic*. June, 1948.

———. Crime news encourages delinquency and crime. *Paul S. Deland*. *Jour. of Am. Judicature Society*. June, 1948.

Existentialism. Existentialism. *F. C. Copleston*. *Philosophy*. Jan., 1948.

Inflation. Inflation: *A Symposium*. *Current Hist.* July, 1948.

———. Are our wars good times? *William F. Ogburn* and *Jean L. Adams*. *Scien. Monthly*. July, 1948.

Method. Limits of method. *Peter A. Carmichael*. *Jour. of Philosophy*. Mar. 11, 1948.

Natural Resources. Conflicting doctrines about soils. *Charles E. Kellogg*. *Scien. Monthly*. June, 1948.

- . World survey of uranium. *J. Niven*. World Affairs. Apr., 1948.
- . The iron we need. *Clarence B. Randall*. Atlantic. June, 1948.
- Newspapers.** Great newspapers, if any. *Gerald W. Johnson*. Harper's. June, 1948.
- . PM post-mortem. *Robert Lasch*. Atlantic. July, 1948.
- Political Areas.** Logistic growth of political areas. *Hornell Hart*. Soc. Forces. May, 1948.
- Political Science.** Education et science politique. *William F. Russell*. Rev. Pol. et Parl. Juin, 1948.
- . Political science 1 and political indoctrination. *Clinton L. Rossiter*. Am. Pol. Sci. Rev. June, 1948.
- . The rôle of political science in the general social science program. *Arthur D. Angel*. Soc. Sci. July, 1948.
- Population.** Population problems. *J. Chartres Molony*. Contemp. Rev. May, 1948.
- . Malthus and the principle of population. *Rupert B. Vance*. For. Affairs. July, 1948.
- Racism.** Racial discrimination in medicine. *Alfred L. Shapiro*. Jewish Soc. Studies. Apr., 1948.
- . Poor whites and unfortunate blacks. *N. H. White*. Contemp. Rev. May, 1948.
- . The negro-white issue in California. *Cy W. Record*. Labor and Nation. May-June, 1948.
- . Collective behavior in race relations. *Clarence E. Glick*. Am. Sociol. Rev. June, 1948.
- . American Jews on the land. *Alfred Werner*. So. Atlan. Quar. July, 1948.
- . Racism: challenge to democracy. *Spencer Logan*. Freedom and Union. July-Aug., 1948.
- Social Problems.** The study of social problems. *Francis E. Merrill et al.* Am. Sociol. Rev. June, 1948.
- Social Sciences.** General education in the social sciences. *Edwin R. Walker*. Southwestern Soc. Sci. Quar. June, 1948.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Commerce Department

- Census bureau.* City employment in 1947. (Government employment for June, 1948). Washington: Govt. Ptg. Off., 1948. 38 p. (processed).
- . Historical review of state and local government finances. (State and local government special studies, number 25.) Washington: Govt. Ptg. Off., 1948. 41 p. (processed).
- . Revised summary of state and local government finances in 1942. (State

and local government special studies, Number 26.) Washington: Govt. Ptg. Off., 1948. 32 p. (processed).

Congress

House of representatives. Education and labor committee. Right to work. Hearings . . . 80th Cong., 2d sess., on H. R. 111. Washington: Govt. Ptg. Off., 1948. 72 p.

———*Interstate and foreign commerce committee.* Amending federal trade commission act. Hearings . . . 80th Cong., 2d sess., on H. R. 3871. Washington: Govt. Ptg. Off., 1948. 298 p.

———*Judiciary committee.* Equal rights amendment to the Constitution and commission on the legal status of women. . . . Hearings . . . 80th Cong., 2d sess. . . . Washington: Govt. Ptg. Off., 1948. 218 p.

———Practice before government agencies, hearings . . . 80th Cong., 1st and 2d sess., on H. R. 2657. . . . Washington: Govt. Ptg. Off., 1948. 485 p. \$1.00.

———*Merchant marine and fisheries committee.* Alaskan problems, hearings . . . 80th Cong., 2d sess. . . . part 4. Washington: Govt. Ptg. Off., 1948. 517-527 p.

———*Post office and civil service committee.* Civil service examinations in Panama Canal Zone. Hearings . . . 80th Cong., 2d sess., on H. R. 6292. . . . Washington: Govt. Ptg. Off., 1948. 34 p.

———Reorganization of the post office department, hearings . . . 80th Cong., 2d sess., Washington: Govt. Ptg. Off., 1948. 60 p.

———*Ways and means committee.* Foreign trade zones, hearings . . . 80th Cong., 2d sess., on H. R. 6159 and H. R. 6160. . . . Washington: Govt. Ptg. Off., 1948. 69 p.

Joint committee on reduction of non-essential federal expenditures. Assets of wholly owned federal government corporations, fiscal year 1947, additional report pursuant to sec. 601 of revenue act of 1941. Washington: Govt. Ptg. Off., 1947. 28 p. (Senate committee print, 80th Cong., 1st sess.).

Senate. Appropriations committee. Economic coöperation administration, hearings . . . 80th Cong., 2d sess. Washington: Govt. Ptg. Off., 1948. 684 p.

———*Expenditures in executive departments committee.* Legislative reorganization act of 1946, hearings, 80th Cong., 2d Sess., on evaluation of legislative reorganization act of 1946. Washington: Govt. Ptg. Off., 1948. 270 p. 45¢.

———*Foreign relations committee.* Reaffirming the policy of the United States to achieve international peace and security through the United Nations and indicating certain objectives to be pursued. Report, to accompany S. R. 239. 80th Cong., 2d Sess., Report no. 1361. Washington: Govt. Ptg. Off., 1948. 9 p.

———*Judiciary committee.* Title to submerged lands beneath tidal and navigable waters, hearings . . . 80th Cong., 2d sess., on S. 1988 and similar House bills. Washington: Govt. Ptg. Off., 1948. 335 p.

———*Public lands committee.* Statehood for Hawaii, hearings, 80th Cong., 2d sess. . . . Washington: Govt. Ptg. Off., 1948. 497 p. \$1.25.

Library of Congress

National bibliography and bibliographical control: a symposium. (Reprinted from *College and Research Libraries*, April, 1948.) Washington, 1948. (processed).

State censuses: an annotated bibliography of censuses of population taken after the year 1790 by states and territories of the United States. Henry J. Dubester. Washington: Govt. Ptg. Off., 1948. 73 p. (processed).

Legislative reference service. State rent control laws, analysis of statutory pro-

visions; by Carrie E. Hunter. Washington: Govt. Ptg. Off., 1948. 7, 77, 2 p. (processed).

State Department

Building the peace: the Near East—uneasy crossroads. (Foreign affairs outlines no. 16.) Washington: Govt. Ptg. Off., 1948. 4 p.

The following in the numbered series of State Department publications have appeared, all from the Government Printing Office, and 1948, except the first one, which is 1947.

2851. United States treaty developments. (This is a supplement to treaty developments, 1944, and is quite the most ambitious publication of its kind ever attempted by the State Department. It is in loose leaf, about seven hundred to begin with, and covers about everything which can happen to a treaty, from the moment of its submission for approval to the Congress on, including (which is new) annotations to court decisions. It is expected that gradually it will take in all the treaties covered by the 1944 publication, and thus "this publication should serve as a comprehensive guide to official material respecting all treaties and other international agreements to which the United States has become a party in nearly two centuries of treaty-making." Arrangement is by signing date of the primary agreement in case of treaties and of the last note in the case of executive agreements. Appendices list all treaties and agreements in force and those now pending before the Senate. There is a comprehensive subject-index.)

3031. Participation of the United States government in international conferences. 373 p. 65¢.

3059. Germany: economic fusion of American and British zones of occupation. 11 p. 5¢.

3062. Second session of the General Conference of the UNESCO, Mexico City, November 6–December 3, 1947. 185 p. 35¢.

3138. The foreign service of the United States; general information and pertinent laws and regulations, June 1, 1948. 66 p. 20¢.

3148. Second report to Congress on the United States foreign aid program. For the period ended March 31, 1948. 138 p. 35¢.

3149. Third report to Congress on assistance to Greece and Turkey for the period ended March 31, 1948. 63 p. 20¢.

3161. International control of atomic energy. Policy at the crossroads. An informal summary record of the policy developments concerning the international control of atomic energy, October 15, 1946, to May 17, 1948. 251 p. 45¢.

3179. Third report of the United Atomic energy commission to the Security Council, May 17, 1948. 78 p. 25¢.

3195. American peace policy: address by the President, June 12, 1948. 12 p. free.

3204. The Interim Committee of the General Assembly: "The Little Assembly." A legislative history. 22 p. (Reprinted from documents and state papers of June, 1948.)

STATE AND TERRITORIAL

ALABAMA

Legislative reference service. Alabama's lawmaking organization and procedures; a report to the legislative council of Alabama concerning a study of certain aspects of Alabama's legislative process. Montgomery, 1948. 41 p.

—The privilege of voting in Alabama; a compilation of constitutional provisions and statutes governing the procedure of, and qualifications for, registering to vote. Montgomery, 1948. 23 p.

CALIFORNIA

Legislature. Senate. Fact-finding committee on un-American activities. 4th report. Communist front organizations. Sacramento, 1948. 448 p.

University of California, Berkeley. The administration of justice to minority groups in Los Angeles county, by Edwin M. Lemert and Judy Rosbery. Berkeley, Univ. of California Press, 1948. 27 p. 50¢.

CONNECTICUT

Inter-racial commission. Inter-group relations bibliography; a selected list of books, periodicals, and resource agencies in intergroup relations, including a special section devoted to Connecticut studies. Comp. by Henry G. Stetler. Hartford, 1948. 82 p.

GUAM

Guam. (Governors' proclamations and acts of the Guam Congress are again being issued.)

LOUISIANA

Louisiana state law institute, University Station. Constitutional problems. (The Research staff, Constitutional revision project, in 1947 prepared about sixty pamphlets, comprising from two to thirty-five pages, on various aspects of Louisiana constitution and government.)

MASSACHUSETTS

General court. Legislative procedure in the general court of Massachusetts, by John W. Plaisted. Boston, Wright & Potter, 1948. 75 p.

MICHIGAN

Detroit. Civil service commission. Organization charts, City of Detroit. Detroit 26, City Hall, 1948. 74 p. \$1.25 (processed).

Legislature. Senate. Committee to study the motor vehicle laws. A comparative study of Michigan motor vehicle law with uniform vehicle code. Lansing, 1948. 57 p.

University of Michigan, Ann Arbor. Bureau of government. Procedures for annexation in Michigan, by Robert Fryer. Ann Arbor, 1948. 4 p. (Michigan governmental digest no. 2.)

MISSISSIPPI

University of Mississippi, University. Bureau of public administration. A guidebook of the board of supervisors, by Huey Blair Howerton. University, 1948. 58 p. (County government series no. 1.)

———Highlights of state finance. R. B. Highsaw and E. M. Johnson, Jr. University, 1948. 51 p.

MISSOURI

General assembly. Committee on legislative research. The establishment of a system of continuous statutory revision. Jefferson City, 1947. 21 p. (Report no. 7.)

University of Missouri, Columbia. Missouri and the World War, 1914-1917; a study in public opinion, by John Clark Crighton. Columbia, 1947. 199 p. (University of Missouri studies, v. 21, no. 3.)

NEW MEXICO

University. Department of government. Division of research. Some factors in the Indian problem in New Mexico. Florence Hawley. Albuquerque, 1948. 48 p. 50¢.

NEW YORK

Constitution. The constitution of the state of New York, as revised., with amendments adopted by the constitutional convention of 1938 and approved by vote of the people Nov. 8, 1938. As amended and in force Jan. 1, 1948. Issued by Thomas J. Curran, secretary of state. Albany, 1948. 353 p.

Legislature. Joint committee on interstate coöperation. Report, 1947. Albany, Williams Press, 1947. 277 p. (Legislative document [1947] no. 73.)

Legislature. Joint committee to revise and recodify the election law. Report. Albany Williams Press, 1947. 39 p. (Legislative document [1947] no. 56.)

Taxation and finance department. Research and statistics bureau. The New York state and local tax system. Albany, 1947. 38 p.

New York City. Board of higher education. [Report of] Committee on personnel status [of the city colleges] to study the whole problem of appointment, evaluation, promotion, tenure, and salary of the teaching, clerical, and administrative staff. New York, 695 Park Avenue, 1948. 47 p. (mime.)

OHIO

Ohio State university, Columbus. Bureau of business research. Population changes, Cincinnati, Ohio, and adjacent areas, 1900-1940, by James A. Quinn, Earle Eubank, and Lois E. Elliott. Columbus, 1947. 32 p. (Research monograph no. 47.)

PENNSYLVANIA

Pennsylvania state college, State College. Institute of local government. Registration in Pennsylvania elections, 1926-46, by H. F. Alderfer and Fannette H. Luhrs. State College, 1948. 68 p. \$1.00.

SOUTH CAROLINA

University of South Carolina, Columbia. Bureau of public administration. South Carolina state constitution amendment procedures, by Christian L. Larsen and Conrad Cowan. Columbia, 1948. 58 p. (Publication no. 4. Includes constitutional provisions for amending in each of the forty-eight states.)

UTAH

University of Utah, Salt Lake City. Institute of government. The primary convention system in Utah. (A review of Utah's 1947 election law), by René N. Ballard. Salt Lake City, 1947. 16 p. (Institute publication no. 2.)

———The western political quarterly, vol. 1, no. 1, March, 1948. \$4.00 a year, \$1.50 a number.

VIRGINIA

University of Virginia. Bureau of public administration. A critical appraisal of university bureaus of public administration. A. W. Spicer and others. Charlottesville, 1948. 55 p. \$1.00.

WISCONSIN

Department of public welfare. Division of public assistance. Development of public assistance programs in Wisconsin and their administration, 1848-1948. Madison 2, 315 S. Carroll Street, 1948. 51, 30 p. (processed).

FOREIGN AND INTERNATIONAL

CHILE

Universidad nacional de Chile. Facultades de ciencias jurídicas y sociales. El derecho aereo internacional, Sergio Aldunate V. (Thesis). Santiago. 1948, 34 p.

———Sistemas de gobierno semi-representativos. El referendum. Valparaiso, 1947. 115 p. (Thesis).

———El comisariato general de subssitencias y precios de la República. Tomo 1. Guillermo Torres O. (Thesis).

———La elección de Presidente de la República. Eduardo Torres de la F. Santiago, 1948. 73 p.

CANADA

Secretary of state for foreign affairs. Report . . . for the year ended December, 1947. Ottawa, King's Printer, 1948. 97 p.

GERMANY

Territory under United States occupation. Office of military government. Civil administration division. Constitutions of the German *laender*. Washington, Civil Affairs Division of U. S. War Department, 1947. 243 p. (Text in English and German.)

GREAT BRITAIN

Colonial office and Foreign office. Palestine: Termination of the mandate. London: H.M.S.O., 1948. 11 p. 3s.

British information services, New York. Not just peanuts; the story of Britain's great agricultural experiment in East Africa. New York, 30 Rockefeller Center, 1948. 23 p. plates.

Government town planner, Palestine. Jerusalem: the city plan: preservation and development during the British mandate, 1918-1948. Henry Kendall. London: H.M.S.O., 1948. 190 p. plates.

Stationery office. Consolidated list of government publications, Jan 1-Dec. 3, 1947. London: H.M.S.O., 1948. 266 p. 1s.

MEXICO

Universidad nacional autonom de México. Facultad de derecho y ciencias sociales. Avila, Fidel Martínez: Transformación política y social del estado. México, 1947. 161 p. (Thesis.)

———Estrada, Julio. Belice. México, 1947. 103 p. (Thesis.)

———Jimenez, Javier. Hacia una nueva política agraria. México, 1948. 91 p. bibl. (Thesis.)

PHILIPPINES

Bureau of census and statistics. Facts and figures about economic and social conditions of the Philippines, 1946-47. Manila, 1948. 107 p.

UNITED NATIONS

Practicing law in the United Nations. (Address by Philip C. Jessup, deputy chief of the United States Mission to the United Nations. A valuable statement of the legal set-up of the U.N.) Lake Success, 1948. 9 p. (Press release no. 489, July 6, 1948.)

- Atomic energy commission.* An international bibliography on atomic energy, political, economic, and social aspects. Volume 1 (preliminary edition). Lake Success, 1948. 89 p. (mim.) (A final edition is planned for September, 1948.)
- Economic and social council. Commission on human rights.* Adaptation of municipal law to international conventions. Lake Success, 1948. 5 p. (mim.)
- American declaration of the rights and duties of man, adopted by the ninth international conference of American states. (Extract from the final act of the Conference.) Lake Success, 1948. 9 p. (mim.)
- Economic commission for Asia and the Far East.* Report and recommendations regarding trade promotion. Lake Success, 1948. 103 p. (mim.)
- Report and recommendations on training of technical personnel in the economic field and the use of expert assistance by governors. Lake Success, 1948. 89 p. (mim.)
- Report on the progress and prospect of repatriation, resettlement, and immigration of refugees and displaced persons. Lake Success, 1948. 67 p. (mim.)
- General assembly.* Codification of staff rules. Report of the secretary-general. Lake Success, 1948. 43 p. (mim.)
- Interim committee. . . Measures and procedures of pacific settlement employed by the league of nations. Lake Success, 1948. 42 p. (mim.)
- Study on methods for the promotion of international coöperation in the political field. Lake Success, 1948. 35 p. (mim.)
- Preparation of political and security matters placed before previous sessions of the General Assembly. Lake Success, 1948. 8 p. (mim.)
- Problem of voting in the Security Council. . . Lake Success, 1948. 42 p. (mim.)
- International civil aviation organization. Second assembly, Geneva, June, 1948.* Legal commission. [Reports]. Lake Success (?) 1948. 5 p. (mim.)
- Revision of the Warsaw convention: Documents on the revision of the Warsaw convention. Lake Success (?), 1948. 65 p. (mim.)
- . . . Draft convention on the international recognition of rights in aircraft. Lake Success (?), 1948. 7 p. (mim.)
- Public information department, Press and publications bureau.* Report on repatriation, resettlement, and immigration of refugees and displaced persons. Press release no. 597. Lake Success, 1948. 7 p. (mim.)
- Draft convention on genocide approved. Lake Success, 1948. 13 p. (mim.)
- Security council.* Report of the United Nations mediator on Palestine to the Security Council. Lake Success, 1948. 19 p. (mim.)
- Trusteeship council.* Reply of the government of the Union of South Africa to the Trusteeship Council questionnaire on the report to the United Nations of the administration of South West Africa for the year 1946. Lake Success, 1948. 230 p. (mim.)

NOTES ON SOME RECENT DOCUMENTARY MATERIALS

JAMES B. CHILDS
Library of Congress

At New Delhi, India, the Constituent Assembly of India met for the first time on December 9, 1946, with representatives elected by the provincial legislative bodies in accordance with paragraph 21 of the Statement by the Cabinet Delegation

and the Viceroy dated May 16, 1946. The stenographic record in English of the proceedings of this and of the subsequent sessions was published in Hansard style in blue covered pamphlets by the Manager of Publications, Delhi, as *Constituent Assembly Debates*.

The *Papers relating to the Cabinet Mission to India, 1946*, recording the effort to help the Indians decide on the future constitution of India, whether united or divided, were published in London by H. M. Stationery Office as Cmd. 6821, 6829, 6839, 6861, and 6862, and reprinted at Delhi in a single pamphlet of 65 pages. Anil Chandra Banerjee, in his two volumes entitled *Indian constitutional documents* (Calcutta, A. Mukherjee & Co., 1945-46), covers pertinent retrospective material, 1757-1945.

To facilitate the deliberations of the Constituent Assembly, Sir B. N. Rau as constitutional adviser prepared three series of *Constitutional precedents* in 1946-47. In the first series (2d ed., 1947, 119 pp.) are treated the problems of linguistic provinces and regional arrangements, union subjects, safeguards for minorities, protection of tribal rights and interests, and protection of rights of women and children. In the second series (2d ed., 1947, 297 pp.) are collected certain of the more important constitutions of the world, those of Canada, Australia, South Africa, Ireland, and the Leeward Islands from the British Commonwealth, and those of the U.S.A., U.S.S.R., Switzerland, Free City of Danzig, Germany (Second Reich), China, and Japan. In the third series (1947, 172 pp.) were presented studies on the head of the state, fundamental rights, second chambers, and systems of representation.

The Constituent Assembly itself met from the 9th to the 21st of December, 1946, from the 20th to the 25th of January, 1947, again from the 28th of April to the 2nd of May, and still further in July from the 15th through the 31st. The session on the afternoon of the 21st of December was held *in camera* on the report of the Committee on Rules of Procedure, the *Constituent Assembly debates* for this session (vol. 1, no. 11, p. 163-246) not being made available to the public. The *Rules of procedure and standing orders, second edition, as amended up to 31st July, 1947*, was printed as a pamphlet of 17 pages, to which there are separate supplements dated August 14 and 19. A directory of committees was issued in 1947 as a pamphlet of 23 pages entitled *Personnel of committees, with the resolutions or rules under which they were set up. Reports of committees* (first series) 1947 (*from December, 1946, to July, 1947*) constitute a separate publication of 76 pages, including those on the States representation (there had been none until July), and on the Union constitution and powers. Two numbers of a *Statistical handbook* in foolscap folio size were printed, the first (23 pp.) giving the population according to communities, and the second (43 pp.) giving the population according to languages, both based on the 1931 census.

For the period from the 7th of July, 1946, to the 6th of January, 1947, a pamphlet of 36 pages was printed for the constituent Assembly under the title *Documents relating to the statement made by the British Cabinet Mission and H. E. the Viceroy on the 16th May, 1946*, and for the period from the 7th of January to the 30th of June, 1947, another of 40 pages entitled *Documents relating to the statements made by H. M. Government on 6th December, 1946, 20th February, 1947, and 3rd June, 1947*, recording the final decision on the establishment of two dominions. The Indian Independence Act, 1947, being 10 & 11 Geo. 6, ch. 30, assented to July 18, 1947, providing for the establishment on August 15, 1947, of the two dominions (India and Pakistan), was also published at Delhi as a separate pamphlet of 15 pages under the title *Indian Independence Act*. Although the Indian (provisional constitution) order was made on August 14, 1947, it was not until November that the *Government of India Act, 1935* [as adapted by the India (provisional constitution) order, 1947], was published as a volume of 164 pages.

Under clause 8 of the Indian Independence Act, the Constituent Assembly exercises after August 15, 1947, not only the power as to the making of a constitution but also the power of the Indian Legislature as to legislation until other provision is made. Previously, the Indian Legislature had consisted of a Council of State and a Legislative Assembly, constituted in 1921 under the imperial Government of India Act, 1919. The proceedings of the Council of State, which adjourned finally on April 16th, 1947, were reported in daily parts as *Council of State debates*, later published in consolidated volumes. The proceedings of the Legislative Assembly, which adjourned finally on April 12, 1947, were reported in daily parts as *Legislative Assembly debates*, later published in consolidated volumes. The advisory organization, Chamber of Princess, inaugurated in 1921 in exercise of the British paramountcy and discontinued on the division onto the two dominions had published the stenographic reports of its formal sessions as *Proceedings of the Meetings of the Chamber of Princess (Narendra Mandel)*, beginning with those of 1929, the earlier reports being considered confidential.

The Constitution of the Union of Burma, after being voted unanimously by the Constituent Assembly at Rangoon on September 24, 1947, was printed by the Superintendent of Government Printing and Stationery at Rangoon in an English edition of 67 pages and in a combined Burmese and English edition of 78 and 78 pages, the Burmese and English text facing each other on opposite pages. The bilingual edition has been reprinted several times and not less than 20,000 copies circulated. Also the text of the Constitution seems to have been published widely in the newspapers.

Article 216 may be noted with interest as follows: "The official language of Burma shall be Burmese, provided that the use of the English language may be permitted." Provision for the protection of minorities as well as for the establishment of the Shan, Kachin, and Karenni states and further of the special regions of the Karens and the Chins is included in the constitution.

Forecasting article 216 of the constitution, the *Constituent Assembly debates* have been printed in Hansard style in only a Burmese language edition in daily parts with only an occasional bit of English, thus posing a problem for the student unfamiliar with the language but interested in the content.

The Constituent Assembly, consisting of 210 members elected in April, 1947, and 45 nominated to represent the frontier areas, held its first session in June to discuss the draft of a new constitution for Burma as an independent sovereign republic prepared by the convention of the Anti-Fascist People's Freedom League late in May. After adopting rules of procedure and electing subcommittees to work on the draft, the Assembly adjourned. From July 29 to August 17, it held its second session, leaving the draft constitution in the hands of the drafting committee. In the interim the Assembly had the advice for about three weeks of Sir B. N. Rau, constitutional adviser to the Government of India. U. Chan Htoon was the constitutional adviser to the Government of Burma. The final session of the Assembly met on September 15, and unanimously adopted the constitution of the Union on September 24, and elected Sao Shwe Thaik, Sawbwa of Yawnghwe, on September 25 as provisional president of the union.

On January 4, 1948, the appointed day in the imperial Burma Independence Act, 1947 (11 Geo. 6, ch. 3) assented to on December 10, 1948, Burma became an independent country. In the *Burma Gazette* of January 24, 1948, pt. 1, pages 129-148, is the lengthy Union of Burma (Adaptation of Laws) Order, 1948. It may be noted that the notifications of the President of the Union are printed in Burmese in the *Burma Gazette*. Under Article 231 of the constitution, the Constituent Assembly "shall itself exercise all the powers, discharge all the duties and enjoy all the privi-

leges" of the Union Parliament, which is to consist of a Chamber of Deputies and a Chamber of Nationalities within 18 months of the coming into operation of the constitution. The constitution became effective by proclamation of the Provisional President of the Union on January 4, 1948.

In 1937, Burma had ceased to be a province of India with the coming into force of the Government of Burma Act, 1935. The Legislature was composed of an elected House of Representatives and a Senate, half chosen by the House and half nominated. Debates of each body were published separately in daily parts under the title *Proceedings*. In May, 1942, the seat of the government was transferred as a result of the war to Simla, India, and under proclamation of December 10, 1942, the Governor of Burma assumed the powers and functions of the two legislative chambers, his various actions being published at Simla in the *Burma Gazette*. During the period of the occupation, another *Burma Gazette* was printed at Rangoon, mainly in the Burmese language. In May, 1945, at the time Burma was liberated, the Government in London published a White Paper (Cmd. 6635) giving a statement of policy on Burma. In October, 1945, civil administration was restored, and the proclamation of October 17 constituted an appointed Legislative Council of fifty members to advise and aid the Governor in legislative matters. This body met from February 28 to March 26, 1946, and the debates, to a limited extent in Burmese, were published in 17 daily parts (664 pp.) as *Proceedings of the Legislative Council*.

In French Indo-China, formal organization of Cochin China as a republic, with capital at Saigon, was marked by the publication of a weekly *Journal officiel de la republique de Cochinchine*, no. 1, dated July 15, 1946, containing not only acts and declarations of the republic, but those of the High Commissariat and of the home government relating to Cochin China, as well as notices, communications, and announcements of official character. In no. 1 is given the text of a convention of June 3, 1946, between the French Commissioner for Cochin China and the Provisional Government fixing the outline for the organization of the Provisional Government. In December, 1946, the convention was amended to provide for eleven ministries instead of the original nine. The first organization of a Provisional Government had been in March, 1946.

For the kingdom of Cambodia with capital at Phnom Penh, a constitution had been promulgated on May 5, 1947, a French text being available in the *Bulletin d'information* of the Ministère de la France d'Outre-Mer, no. 103 (June 16, 1947), pp. 3-10. Cambodian is the official language except in matters regarding the French Union. There is a weekly *Journal officiel du Cambodge*.

For the kingdom of Laos, formed by the union of the provinces administered directly by the French with the kingdom of Luang-Prabang, a *Constitution du royaume du Laos* drafted by a Constituent Assembly during February, March, and April, 1947, and promulgated May 11, 1947, was published in French by the Ministère de l'intérieur of the kingdom as a ten-page pamphlet, as well as in the Laotian language as an eleven-page pamphlet. Laotian is the official language excepting in matters relating to the French Union. The French text of the Constitution is printed in the *Bulletin d'information* of the Ministère de la France d'Outre-Mer, no. 110 (September 22, 1947), pp. 6-10. Laos is declared to be "un État autonome membre de l'Union Française" without mention of a Federation of Indo-China.

In the British zone of occupation in Germany, a German central legal authority under the name Zentral-Justizamt with its seat at Hamburg was created by Military

Government ordinance 41, effective October 1, 1946, responsible for the efficient administration of justice, and having the power subject to the approval of Military Government to initiate, draft and promulgate legislation for the British zone on subjects within the field of the former Reichsjustizministerium. The Zentral-Justizamt published under date of April 23, 1947, the first number of the *Verordnungsblatt für die Britische Zone: Amtliches Organ zur Verkündigung von Rechtsverordnungen der Zentralverwaltungen*, carrying out its legislative functions. Appearing once or twice a week, the *Verordnungsblatt* services for the British zone the same purpose as the former *Reichsgesetzblatt*, the main section of which seems to have ceased publication at Berlin with no. 10 on April 11, 1945. Carrying out its functions in the administration of justice, the Zentral-Justizamt began publication with July, 1947, of a monthly *Zentral-Justizblatt für die Britische Zone: Amtliches Blatt für Rechtspflege*, patterned after the former *Preussisches Justizministerialblatt*, which on the national ministry taking over the state ministry had been merged in *Deutsche Justiz*, continuing from 1935 through February, 1945. The *Zentral-Justizblatt* contains legal articles, digests of the more important court decisions, memoranda explaining the ordinances, reviews, announcements, appointments, as well as (beginning with September, 1947) a separate monthly supplement entitled *Die Spruchgerichte, herausgegeben vom Generalinspekteur für die Spruchgerichte in der Britischen Zone*, with articles relating to denazification matters and decisions in denazification cases. In no. 4 of the *Zentral-Justizblatt* is a careful list of the current official gazettes and legal periodicals in each of the four zones. It may further be noted that a supreme court for the British zone (Oberster Gerichtshof) had been created at Cologne by Military Government ordinance 98, effective January 1, 1948.

For Austria, the text of the constitution of 1920 with amendments, the documents relating to the reestablishment of independent Austria in 1945, constitutional laws relating to the symbols of the state, rights of citizens, publications of laws, elections, the rules of procedure of the Nationalrat and of the Bundesrat, Constitutional Court decisions, etc., have been reedited for the fifth time as of March 1, 1947, by Ludwig Adamovich, professor at the University of Vienna and chief justice of the Verfassungsgerichtshof, and published in 1947 under the title *Die Bundesverfassungsgesetze* (xviii, 701 pp.) as *Neue Folge, Band 1*, of the series *Handausgabe österreichischer Gesetze und Verordnungen*. A special volume in the series has been assigned for the publication of the constitutional laws of the Länder (provinces) and of Vienna.

For the Mexican government, a much-needed directory has been published recently under the title *Directorio del gobierno federal de los Estados Unidos Mexicanos* (LXXI, 536 pp.) by the Dirección técnica de Organización Administrativa of the Secretaría de Bienes Nacionales e Inspección Administrativa. At the beginning is given the text of the constitution of 1917 as amended and the "Ley de secretarías y departamentos de estado" as of January 1, 1947. The arrangement is in the order of the branches of the government (legislative, judicial, and executive), and the secretaries of the executive branch in the order of precedence. Not only are the names of the principal officials given as well as the members of Congress, but a statement of the functions of the agencies with citations to pertinent laws. It is proposed to publish the directory annually. The Secretaría de Bienes Nacionales e Inspección Administrativa, one of the two principal departments established as of January 1, 1947, the other being the Secretaría de Recursos Hidráulicas, has also issued a 117-page report for presentation to the regular session of Congress under the title *Informe reglamentario* covering its activities from January through August, 1947.

OFFICERS OF THE
AMERICAN POLITICAL SCIENCE ASSOCIATION

President

Henry R. Spencer
Ohio State University

Vice-Presidents

ESTES KEFAUVER
U.S. House of
Representatives

HANS KELSEN
University of California

ROSCOE C. MARTIN
University of Alabama

Secretary-Treasurer

HARVEY WALKER
Ohio State University

Managing Editor

FREDERIC A. OGG
University of Wisconsin

EXECUTIVE COUNCIL

Above-named officers *ex officio*

RALPH J. BUNCHE
Howard University

ROBERT H. CONNERY
Stanford University

CHARLES MCKINLEY
Reed College

C. PERRY PATTERSON
University of Texas

HAROLD S. QUIGLEY
University of Minnesota

TAYLOR COLE
Duke University

GEORGE A. GRAHAM
Princeton University

LLEWELLYN PFANKUCHEN
University of Wisconsin

JOHN A. VIEG
Pomona College

BELLE ZELLER
Brooklyn College

HAROLD F. ALDERFER
Pennsylvania State College

BEN M. CHERRINGTON
University of Denver

MERLE FAINSOD
Harvard University

JOSEPH M. RAY
University of Maryland

JASPER B. SHANNON
University of Kentucky

FORMER PRESIDENTS

FRANK J. GOODNOW

ALBERT SHAW

FREDERIC N. JUDSON

JAMES BRYCE

A. LAWRENCE LOWELL

WOODROW WILSON

SIMEON E. BALDWIN

ALBERT BUSHNELL HART

W. W. WILLOUGHBY

JOHN BASSETT MOORE

ERNST FREUND

JESSE MACY

MUNRO SMITH

HENRY JONES FORD

PAUL S. REINSCH

LEO S. ROWE

WILLIAM A. DUNNING

HARRY A. GARFIELD

JAMES W. GARNER

CHARLES E. MERRIAM

CHARLES A. BEARD

WILLIAM B. MUNRO

JESSE S. REEVES

JOHN A. FAIRLIE

BENJAMIN F. SHAMBAUGH

EDWARD S. CORWIN

WILLIAM F. WILLOUGHBY

ISIDOR LOEB

WALTER J. SHEPARD

FRANCIS W. COKER

ARTHUR N. HOLCOMBE

THOMAS REED POWELL

CLARENCE A. DYKSTRA

CHARLES GROVE HAINES

ROBERT C. BROOKS

FREDERIC A. OGG

WILLIAM ANDERSON

ROBERT E. CUSHMAN

LEONARD D. WHITE

JOHN M. GAUS

WALTER F. DODD

ARTHUR W. MACMAHON

Copies of back issues of the **AMERICAN POLITICAL SCIENCE REVIEW** can be obtained at the following prices: Vol. I-X (1906-1916), \$1.50 per copy, except Feb., May, Aug., Nov. 1907, May 1908, Aug. 1910 and Nov. 1911, which are \$3.00 each. Vols. XI-XXV (1917-1931), \$1.25 per copy, except Feb., Aug. 1917, Nov. 1924, Feb., May, Aug. and Nov. 1925, Feb. 1926, Feb., May and Nov. 1927, Nov. 1928, May, Aug. 1929, May, Nov. 1930, Feb. and Nov. 1931, \$1.50 each; Feb. 1928 and Nov. 1929, \$3.00 each. Vols. XXVI (1932) and following \$1.00 per copy, except Feb. and Apr. 1932, Feb., June, Aug., Oct., Dec. 1934, all issues 1935, 1936, and 1937, Feb., June, Aug. and Dec. 1938, Feb., Apr., June, Aug., Oct. 1939, Apr., Oct., Dec. 1940, Aug. and Dec. 1943, \$1.50 each; Feb. 1940, Feb. 1941, Oct. 1943, Feb., Apr., June 1944, Oct. 1945, Feb., Aug. and Oct. 1946, \$3.00 each. General Index, Vol. I-XX, \$1.00. Complete Volumes XII-XXI, \$5.00 per vol.; prices for other complete volumes furnished on request. Postage extra. Prices are subject to change. Some early issues are no longer available. Address: Harvey Walker, Secretary-Treasurer, American Political Science Association, 100 University Hall, Ohio State University, Columbus, Ohio.

WANTED

Back Issues of the Review

Only copies in good condition will be accepted.

Five dollars will be paid for the November 1906 issue, Vol. I, No. 1.

Fifty cents will be paid for each copy of the following issues: Feb., May, Aug. and Nov. 1907; Feb., May and Nov. 1908; Feb., May, Aug. and Nov. 1909; Aug. 1910; Nov. 1911; Nov. 1931; Feb. 1940; Feb. 1941; Feb., Oct. and Dec. 1943; Feb., Apr. and June 1944; Oct. 1945; Feb., Aug. and Oct. 1946; Feb., 1948.

Twenty-five cents will be paid for the following issues: Feb. 1917; Feb., May and Nov. 1927; Feb. 1928; May, Aug. and Nov. 1929; Feb. and Dec. 1934; Dec. 1935; Feb., Apr., June, Aug., Oct. and Dec. 1936; Feb. and Oct. 1937; June 1938.

HARVEY WALKER, Secretary-Treasurer
100 University Hall, Ohio State University
Columbus, Ohio

For Beginning Government Courses

Elements of Democratic Government

By J. A. Corry, Queen's University, Kingston, Ontario

• Immediately famous as a pioneer among textbooks, this uniquely adaptable book has won new laurels during a year of use in a variety of courses, and this fall is being used still more widely. Whether the emphasis is on political theory or governmental functions, *Elements of Democratic Government* has proved a sound basis for giving students an understanding of their own relation to the complexities of modern politics.

528 pages

\$3.75

Basic Constitutional Cases

**Edited by C. Gordon Post, Frances P. DeLancy, and
Fredryc R. Darby, Vassar College**

• "The editors of this collection have done a difficult job well. They have maintained a nice balance which is not always to be found. The organization is unusually satisfactory in that it follows the ordinary outline of a course in American government more closely than other collections. The distribution of space between landmark cases of an earlier day and recent cases is excellent."—Harold Zink, Ohio State University

328 pages

\$2.50

OXFORD UNIVERSITY PRESS



114 Fifth Ave., New York 11, N.Y.

AGAIN IN STOCK!

Edited by

GEORGES GURVITCH

Lecturer in Sociology, Harvard University

and

WILBERT E. MOORE

*Office of Population Research,
Princeton University*

20th CENTURY SOCIOLOGY

754 Pages

\$6.00

MAJOR developments in modern sociological science, as presented by a group of outstanding sociologists, with polemics kept to a minimum and constructive evaluation maintained throughout.

This volume is especially valuable for its well-balanced, considered presentation of the various fields of sociological inquiry. Each of the 29 contributors (1) sets forth the major trends in the field surveyed, (2) critically discusses these trends, and (3) summarizes the present position of the field with particular emphasis on problems requiring further research.

An analysis of the contents listed below indicates the scope and authority of this comprehensive work.

PART ONE

SOCIOLOGY AND THE SOCIAL SCIENCES

HUNTINGTON CAIRNS (Washington, D.C.)

RESEARCH METHODS IN SOCIOLOGY

ERNEST W. BURGESS (U. of Chicago)

PRESENT POSITION AND PROSPECTS

OF SYSTEMATIC THEORY

TALCOTT PARSONS (Harvard)

INTERPRETIVE SOCIOLOGY AND

CONSTRUCTIVE TYPOLOGY

HOWARD BECKER (U. of Wisconsin)

SOCIOCULTURAL DYNAMICS

AND EVOLUTION

PITIRIM A. SOROKIN (Harvard)

SOCIAL CAUSATION AND CHANGE

ROBERT MORRISON MACIVER (Columbia)

SOCIOLOGY OF GROUPS

LOGAN WILSON (Tulane)

SOCIAL ORGANIZATION, INSTITUTIONS

FLORIAN ZNANIECKI (U. of Illinois)

SOCIAL PSYCHOLOGY

JAMES W. WOODARD (Temple)

SOCIAL CONTROL

GEORGES GURVITCH (Harvard)

SOCIOLOGY OF LAW

ROSCOE POUND (Harvard)

CRIMINOLOGY

JEROME HALL (Indiana)

SOCIOLOGY OF KNOWLEDGE

ROBERT K. MERTON (Columbia)

SOCIOLOGY OF RELIGION

JOACHIM WACH (Brown)

SOCIOLOGY OF ECONOMIC ORGANIZATION

WILBERT E. MOORE (Princeton)

HUMAN ECOLOGY

EMMA LLEWELLYN (Sarah Lawrence)
and AUDREY HAWTHORN

PART TWO

FRENCH SOCIOLOGY

CLAUDE LEVI-STRAUSS (Ecole Libre des
Hautes Etudes, New York)

AMERICAN SOCIOLOGY

ROBERT E. L. FARIS (U. of Syracuse)

BRITISH SOCIOLOGY

JAY RUMNEY (U. of Newark)

RUSSIAN SOCIOLOGY

MAX M. LASERSON (Columbia)

GERMAN SOCIOLOGY

ALBERT SALOMON (New School)

LATIN AMERICAN SOCIOLOGY

ROGER BASTIDE (U. of São Paulo, Brazil)

ITALIAN SOCIOLOGY

CONSTANTINO PANUNZIO (U. of Calif.)

SPANISH SOCIOLOGY

ALFREDO MENDIZABAL (New School)

POLISH SOCIOLOGY

EILEEN MARKLEY ZNANIECKI

CZECHOSLOVAKIAN SOCIOLOGY

JOSEPH S. ROUCEK (Hofstra)

RUMANIAN SOCIOLOGY

A. MANOIL

SOCIOLOGY IN YUGOSLAVIA

JOSEPH S. ROUCEK (Hofstra)

USED AS TEXT IN MOST LEADING UNIVERSITIES AND COLLEGES

PHILOSOPHICAL LIBRARY, Publishers • Dept. 288, 15 E. 40th St., New York 16, N.Y.

Politics Among Nations

The Struggle for Power and Peace

By HANS J. MORGENTHAU

University of Chicago

Just published, this thoughtful survey of international politics and relations has already been adopted for Fall classes in over thirty colleges and universities, including California, Colorado, Cornell, Duke, Harvard, Minnesota, Princeton, Temple, Yale, and Vanderbilt.

523 pages, 9 maps, \$4.25 text

The American Political Tradition

And the Men Who Made It

By RICHARD HOFSTADTER

Columbia University

A new interpretation, scholarly but unorthodox, of our chief political traditions as represented in the thought and actions of leading statesmen from the Founding Fathers to Franklin D. Roosevelt.

417 pages, \$3.00 text

Two Classics in Political Theory and Practice

PHYSICS AND POLITICS

By Walter Bagehot

Well-known but seldom read since it was first published in 1869, this masterpiece of nineteenth-century thinking is a challenging study of the conditions of social progress. With an introduction by Jacques Barzun.

263 pages, \$2.75 net

PLUNKITT OF TAMMANY HALL

By William L. Riordon

"Very plain talks on very practical politics" by an old Tammany boss and philosopher, this witty classic, first published in 1905, shows what makes the wheels go round in political machines. With an introduction by Roy V. Peel.

188 pages, \$1.75 text

Examination Copies on Request

College Department
ALFRED A. KNOPF

501 Madison Avenue
NEW YORK 22



★ *Special Offer to Readers of The Review*

A Survey of 20th Century Political Ideas

EUROPEAN IDEOLOGIES

Edited by FELIKS GROSS, New York University

Introduction by ROBERT M. MACIVER, Columbia University

“NO area of knowledge has greater significance today than that which explores the idea-systems of our age. This book is a contribution to that knowledge. No one can read it without a widened understanding of the forces that are stirring and changing this distracted age. Not only will he gain a new perspective of the movements that impinge on us from without, he will also be in a better position to face the issues that confront us at home.”

—Robert M. MacIver

Among the Subjects covered are:

Peasant Ideologies	Political Catholicism	Russian Libertarianism	Trade-Unionism
Agrarianism	Zionism	Regionalism	Nationalism
Pacifism	Hispanidad	Separatism	Nazism
Pangermanism	Falangism	Cooperativism	Fascism
Panslavism	Liberalism	Anarchism	Socialism
Pan-Europeanism	Humanism	Syndicalism	Communism

A sociological analysis of European mass movements is followed in the first chapter by a discussion of the significance of European political myths and utopias, political ritualism and symbolism, mechanism of urban and rural mass movements, theory of political strategy and tactics, and structure of European idea-systems.

CONTRIBUTORS INCLUDE: Giuseppe A. Borgese, Lewis Corey, George M. Dimitrov, Nicholas Doman, Friedrich W. Foerster, Rubin Gotesky, Feliks Gross, Sidney Hook, Horace M. Kallen, Thorsten V. Kalijarvi, Reginald D. Lang, Wacław Lednicki, Algernon Lee, Jacob Lestchinski, Alfredo Mendizabal, Stephen Naft, Max Nomad, Gunther Reiman, Rudolf Rocker, Joseph S. Roucek, Friedrich Stampfer, Philip Taft, Elias Tartak, Vladimir Zenzinov.

1200 Pages

\$12.00

Special high discounts for bulk classroom orders.

SPECIAL ORDER COUPON

PHILOSOPHICAL LIBRARY, Publishers

15 East 40th Street, Dept. 288, New York 16, N.Y.

Please send me copy(ies) of EUROPEAN IDEOLOGIES at the special professional rate of \$10.00 per copy. Enclosed

is \$.....

NAME

ADDRESS

(Expedite shipment by enclosing remittance.)

The regular price of this book is \$12. Readers of The Review, however, are entitled to the Special Professional rate of

ONLY \$10.00

per copy. Just use the special order coupon, or mention The Review when ordering.

*A fascinating history of the period when state economic action
typified "FREE ENTERPRISE" in America*

► Economic Policy and Democratic Thought

PENNSYLVANIA 1776-1860

By Louis Hartz

HERE is a stimulating inquiry into American conceptions of the proper relationship between government and economic life from the Revolution to the Civil War. Mr. Hartz outlines the experience of the leading state of Pennsylvania with corporations, with public spending and pump-priming, with social reforms and the regulation of business. What emerges is a unified view of a significant chapter in our evolution of politico-economic thought, a view which will be welcomed by all who are interested in political science.

At all bookstores, \$4.00

HARVARD UNIVERSITY PRESS

Announcing

*Edited by Milton R. Konvitz and
Arthur E. Murphy, Cornell University*

ESSAYS IN POLITICAL THEORY

Presented to

GEORGE H. SABINE

The colleagues and former students contributed articles to this volume honoring Professor Sabine upon the occasion of retirement from teaching ably representing a generation of friends and students who intellectually indebted to this outstanding teacher and scholar. They have produced a volume important in its own right, aside from the occasion of its writing.

Some of the papers in this book are concerned directly with Professor Sabine's philosophy. All of them reflect the influence of his mind and personality upon a generation of students and friends.

344 pages, \$4.00

Cornell University Press, Ithaca, New York

Psychological Warfare

By PAUL M. A. LINEBARGER. The only complete, up-to-date study of a subject of vital interest to every student of current social processes, or of mass psychology. "An extraordinary sampling of material and . . . a fascinating presentation in both text and illustrative examples."—*New York Times*. "The most scholarly book that has been published on psychological warfare."—*The Annals of the American Academy of Political and Social Science*. \$3.50

All But Me and Thee

By BRIGADIER GENERAL ELLIOT D. COOKE. Recognized as a basic study of military psychiatry. "Full of an agreeable frankness, and a truth-telling that is all to the credit of the Army, its Chief of Staff, and the author."—*Saturday Review*. "A fine contribution to the problem of psychoneuroses and psychopathic personality in the military service."—*Harry C. Solomon, Professor of Psychiatry, Harvard Medical School*. \$2.75

American Military Government

By HAJO HOLBORN. A study of the problems and difficulties which arose in the organization of American Military Government, together with a complete and extremely valuable appendix containing the documents which laid down the basis for military administration. "A useful book which very much needed to be written . . . an appendix . . . contains a valuable collection of relevant documents."—*The Annals of the American Academy of Political and Social Science*. "The first thorough analysis of our military government. Will resolve much of the confusion surrounding the subject."—*Political Science Quarterly*. \$3.50

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

★ ★

★ ★

★ . ★

Graves

AMERICAN
STATE GOVERNMENT

THIRD EDITION

★ THIRD EDITION ★

★ This authoritative text gives full recognition to recent changes in state ★

government, to the problems which the states face today, and to the

plans for social and economic development. This latest edition (1946)

★ includes two new chapters: *State Administrative Services*, and *The* ★

States in the War and the Postwar. 1104 p. \$6.00

★ ★

★ ★ ★ ★ ★

★ ★ ★ ★ ★

★ ★

★ AMERICAN ★

AMERICAN
MUNICIPAL GOVERNMENT
AND ADMINISTRATION

★ ★ ★ AND ADMINISTRATION ★ ★ ★

★ This complete and well-organized text provides a balanced treatment ★

of governmental and administrative problems. Special emphasis is

placed on constructive citizenship. Organized for use either in a course

★ in municipal government and administration or in separate courses ★

in either subject. 639 p. \$4.25

★★
★

★ ★

★ D. C. HEATH AND COMPANY ★

D. C. HEATH AND COMPANY

★ **Boston New York Chicago Atlanta San Francisco Dallas London** ★

★ _____ ★

WAR AND PEACE AIMS OF THE UNITED NATIONS

VOLUME II: 1943-1945

Completing a series of documents and statements by government spokesmen and United Nations officials, as well as declarations by churches and political parties.

Edited by LOUISE HOLBORN

Introduction by SIDNEY FAY

\$6.00

To be published October 15, 1948, by

WORLD PEACE FOUNDATION

40 Mt. Vernon St.

Boston, Massachusetts

“If you have sacrificed my nation
(Czechoslovakia) to preserve the peace of the
world, I will be the first to applaud you. But
if not, gentlemen, God help your souls.”

Jan Masaryk
to Chamberlain after Munich

IS ANOTHER MUNICH BREWING? You cannot
afford to ignore the step by step record of
political fiasco that spelled disaster at Munich.

READ

MUNICH

By JOHN W.
WHEELER-BENNETT

PROLOGUE TO TRAGEDY

*“Written in a vivid, and at times brilliant
narrative . . . will enrich both the enjoyment
and the knowledge of the ordinary reader.”*

London Times

AT ALL BOOKSTORES . . . \$5.00

 DUELL, SLOAN AND PEARCE 

*A brilliant and distinguished collection
of writings that have influenced history
and modern political thought.*

Man and the State

Edited by William Ebenstein, Princeton University

MAN AND THE STATE is a highly readable, penetrating anthology of political ideas. There are 114 selections by men of insight far in advance of their time, accompanied by a lengthy introduction and commentary by Dr. Ebenstein. Emphasis is placed upon the influence of these writings on current ideologies and political movements. Divided into four major sections, the book contains discussions of: "The Foundations of Democracy"; "Anti-democratic Thought"; "Capitalism, Socialism, Planning"; and "From Nationalism to World Order." Several of the selections have been translated into English for the first time.

Among the writers represented are: Machiavelli, Locke, Rousseau, Burke, Mill, Hegel, Hobbes, Carlyle, Marx, Dewey, Masaryk, Angell, Webb, Beveridge, Laski, Hayek, Hitler, Webb, Huxley, F. D. Roosevelt, Brandeis, and Wilson.

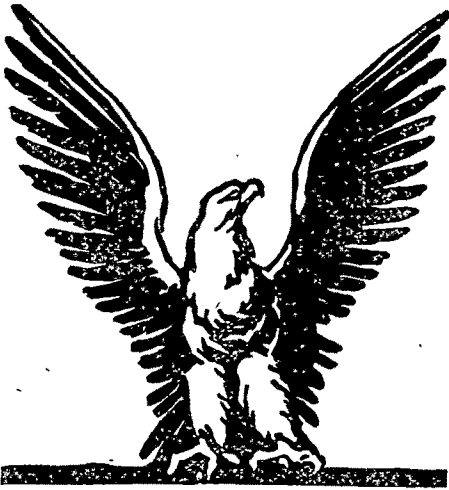
"Happily, Professor Ebenstein conceives of political philosophy not as an antiquarian study, but as an intellectual enterprise which has a direct and vital bearing upon the political problem of the day. Professor Ebenstein has executed his purpose with considerable originality and brilliance." . . .

American Political Science Review.

MAN AND THE STATE is an excellent basic text for courses in political theory or the history of political thought, and is highly recommended for supplementary reading. *We shall be pleased to send you a copy for examination.*

781 pp., \$5.00

 **Rinehart & Company, Inc.**
232 MADISON AVENUE • NEW YORK 16, N. Y.



NEW!

THE NATIONAL GOVERNMENT OF THE AMERICAN PEOPLE

By *EARL L. SHOUP*, Department of Political Science, Western Reserve University. This new book on national government is built around the citizen as an individual and in association with his fellows. Government is treated throughout as a flexible organization created by the political and social forces of the people.

The underlying principles of the American system of government and their expression in the national constitution are studied as a basis for understanding governmental activities. Detailed studies are made of the electoral system; the legislative and judicial systems; the political character of the American people; the judicial review of legislation; the Federal civil service; government and labor relations; national finance; foreign relations; the military and diplomatic implications of the atomic bomb. All the many domestic and international activities of the government are studied and clarified. A concluding chapter directs student attention to the meaning and obligations of citizenship.

The National Government of the American People is a scholarly text that is at once teachable and highly readable.

Also Available SHOUP: The Government of the American People.
A popular text which treats municipal, state, and federal government.

GINN AND COMPANY

Chicago 16

Atlanta 3

Dallas 1

Columbus 16

San Francisco 3

Boston 17

New York 11

Toronto 5

"Has the dynamic touch of persons who speak from experience."

—John P. Senning, University of Nebraska

ELEMENTS OF PUBLIC ADMINISTRATION

Edited by *Fritz Morstein Marx*

This well-established text combines the practical approach with the theoretical. The growth and development, background and philosophy of public administration are presented objectively and accurately by 14 political scientists with actual experience in government positions. Among the authors are: Milton M. Mandel, James W. Fesler, Avery Leiserson, Wallace S. Sayre . . .

"An excellent book by a group of eminent scholars in the field of public administration."—William L. Bradshaw, University of Missouri

"Superior, in my estimation, to purely factual books, in that it gives reasons for various phases of government."—John J. R. Held, Kansas Wesleyan University

"Clear, well-written presentation of public administration in a broader and more useful framework than other standard texts. Probably the most suitable general text now available for undergraduate level."—Herman Miles Somers, Visiting Lecturer on Government, Harvard University

637 pages

6" x 9"

Send for your copies today

PRENTICE-HALL, INC., 70 FIFTH AVENUE
NEW YORK 11, N. Y.

New! PRINCIPLES AND FUNCTIONS OF GOVERNMENT IN THE UNITED STATES

EDITED BY PROFESSOR W. LEON GODSHALL,
LEHIGH UNIVERSITY. AUTHORED BY 15
EXPERTS ON AMERICAN GOVERNMENT STRUCTURE

A **NEW BOOK** designed for a basic course in American National and State Government on whatever level such a course is offered.

CONTRIBUTORS

Professor Harold F. Alderfer, Pennsylvania State College; Dr. John B. Bennett, Department of The Interior, Washington, D.C.; Professor Eugene P. Chase, Lafayette College; Professor William H. Edwards, Brockport, N.Y. State Teachers College; Professor Lawrence H. Gipson, Lehigh University; Professor W. Leon Godshall, Lehigh University; Doctor W. Brooke Graves, The Library of Congress; Professor George D. Harmon, Lehigh University; Professor David W. Knepper, University of Houston; Professor Lane W. Lancaster, University of Nebraska; Professor John H. Leek, University of Oklahoma; Professor Eugene H. Miller, Ursinus College; Professor Pressly S. Sikes, Indiana University; Professor John B. Stoner, Indiana University; and Professor Ernst B. Schulz, Lehigh University.

1121 Pages. Cloth, 6 x 9, with U. S. Government Executive, State Department, Constitution Charts. \$5.00

CONTENTS: *Part I. Foundations:* The Study of Government; The Nature of The State; Distinctive Government Systems, (Schulz); The Beginnings of Government in The United States, (Gipson and Harmon).

Part II. Fundamental Principles: A Written Constitution, (Harmon); Territorial Distribution of Powers in a Federal System; Separation of Powers and The Presidency; Representative Government: Congress; Representative Government: The Improvement of Congress; (Lancaster); An Independent Judiciary and Judicial Review; Limited Powers of Government, (Godshall).

Part III. Instruments of Political Power: Immigration and Citizenship; National Suffrage and Elections; The National Party System, (Alderfer)

Part IV. The National Administration: Pressure Groups, (Alderfer); Public Administration, (Edwards); The Federal Civil Service, (Godshall).

Part V. National Functions: Foreign Policy and Control; National Defense; Territories: The District of Columbia; The American Indian, (Godshall); Raising National Revenue; National Currency; Foreign and Interstate Commerce; National Regulation of Business and Industry; National Regulation of Labor, (Leek); National Aid to Agriculture; National Conservation, (Bennett); Range and Variety of Federal Services, (Stoner); Recent Trends in The National Government, (Lancaster); National Expenditures and the Foreign Debt, (Miller).

Part VI. The States in The Nation: The Position of the States in the Union, (Lancaster); State Political Parties and Elections, (Alderfer).

Part VII. State Government: Evolution of State Constitutions; The State Legislature; The Governor, (Knepper); State Administration and Civil Service, (Edwards); The State Judicial System, (Godshall); State Finance, (Sikes); The State Police Power, (Leek); State Regulation of Business and Industry; Economic and Social Functions of The States, (Graves).

Part VIII. Local Government: Counties, Townships and Special Districts; Cities; Federal-Local and State-Local Relations, (Schulz).

Part IX. Conclusion: The American Philosophy of Government, (Chase).

WRITE FOR YOUR EXAMINATION COPY TODAY

D. VAN NOSTRAND COMPANY, INC.

250 FOURTH AVENUE

NEW YORK 3, NEW YORK

1848—PUBLISHERS FOR ONE HUNDRED YEARS—1948

Ready Early in 1949

LATIN AMERICAN POLITICS AND GOVERNMENT

by Austin F. Macdonald

—*University of California*

A completely new text emphasizing the political realities of each country of Latin America rather than its form of government based on the study of its constitution and other official documents. For each country the approximate apportionment of space is as follows: introductory historical, geographical and economic factors 15%, modern politics and political leaders 65%, form of government 20%. This arrangement permits the proper recognition of the all-important factor of *personalities* in Latin America as contrasted with the relative insignificance of the *forms* of government in the countries there.

This book has been in preparation for many years but the great dearth of monographs and other usable source material has made it necessary for the author to spend a great deal of time doing his own research in the countries of Latin America.

TABLE OF CONTENTS

Chapter

- 1—Dictators and Democrats
- 2—Argentina—The Rise of Democracy
- 3—Argentina—The Rise of Peron
- 4—Argentina—The Structure of Government
- 5—Brazil—From Empire to Republic
- 6—Brazil—The New State
- 7—Brazil—The New Regime
- 8—Brazil—The Structure of Government
- 9—Mexico—Revolutionary Years
- 10—Mexico—Evolutionary Years

Chapter

- 11—Mexico—The Structure of Government
- 12—Chile—Turbulent Democracy
- 13—Chile—The Structure of Government
- 14—Picturesque Peru
- 15—Cultured Colombia
- 16—Volatile Venezuela
- 17—Exotic Ecuador
- 18—Utopian Uruguay
- 19—Primitive Paraguay
- 20—Bleak Bolivia
- 21—Crossroads Cuba
- 22—The Island of Haiti
- 23—Central America
- Index

By the same author

GOVERNMENT OF THE ARGENTINE REPUBLIC

"An excellent volume; in my opinion, the best in the English language on the subject." J. Fred Rippey, University of Chicago

476 pages

1942

\$4.00

THOMAS Y. CROWELL COMPANY
432 Fourth Avenue
New York 16

Just Published
new 4th edition of an outstanding text

Schuman's
INTERNATIONAL POLITICS

By FREDERICK L. SCHUMAN
Woodrow Wilson Professor of Government, Williams College

1017 pages, 6 x 9, maps and illustrations
\$5.50

"The best version of the book to date," is the critics' appraisal of the new fourth edition of this widely known and widely used text. As before, the book offers a penetrating analysis of the current world scene, including the author's intensive research into the background, course, and aftermath of the Second World War. The book provides a stimulating interpretation which will enable the student to interpret the current world scenes in terms of a continuing historical process.

Features of the new edition: a chronology of major interallied conferences between 1941 and 1948, with full texts of all communiqués, declarations, and accords from the Atlantic Charter to the final meeting of the Council of Foreign Ministers; a sharp restatement of the principles of power politics in the age of Super-Powers; fresh and timely treatments of contemporary Nationalism and Imperialism; a detailed and trenchant analysis of the "cold war" between America and Russia; a provocative discussion of the diplomacy and strategy of atomic energy; dozens of new maps, by George D. Brodsky, depicting graphically the evolution of the Western State System and the postwar world scene.

Send for a copy on approval

McGRAW-HILL BOOK COMPANY, Inc.
330 West 42nd Street New York 18, N.Y.

Revised to cover events as late as

MARCH, 1948

GOVERNMENT AND POLITICS ABROAD

Edited by Joseph S. Roucek, Chairman of the Department of Political Science and Sociology, University of Bridgeport, with the collaboration of: Floyd A. Cave, San Francisco State College; Glen A. Hoover, Mills College; Thorsten V. Kalija, U. S. Library of Congress; Wilbert L. Hindman, University of Southern California

A REVISED edition of Roucek's study of the history, politics, and peoples of 33 important nations, covering events as late as March, 1948. Stressing the significance of each region to Americans, this book gives a clear, objective, and comprehensive evaluation of the social, political and historical forces agitating Britain, France, Russia, Germany, and the smaller nations of Turkey, Spain, Portugal, the Baltic States, Poland, Czechoslovakia, and Latin America. It surveys the geographical background, the people, the economy, the pattern of constitutional growth, suffrage and elections, political parties, executive powers, public education, physical planning, housing, production and employment, of each country and provides the student or layman with an overall, up-to-date view of the international scene. Widely adopted by colleges and universities throughout the country. Over 600 pages, textbook edition \$4.00.

Chapter Headings

Great Britain
France
Germany
Russia
Italy
Spain
Portugal
Switzerland
The Scandinavian Nations
and Finland
Poland and the Baltic States
Czechoslovakia
Hungary
Romania
Yugoslavia
Bulgaria
Greece
Turkey
Latin America

FUNK & WAGNALLS COMPANY 153 East 24th Street, New York 10, N

Princeton

UNIVERSITY PRESS

American Opinion on World Affairs

IN THE ATOMIC AGE

By LEONARD S. COTTRELL, JR. With an introduction by *Frederick Osborn*.

AN analysis and interpretation of public reaction to the new rôle of the United States in world affairs, with special attention to the problems posed by the atomic bomb.

Based on the combined results of several national surveys, this book not only reports public opinion but points out the sources of confusion and contradiction in public thinking.

A Report of the Social Science Research Council's Committee on Social and Economic Aspects of Atomic Energy. 158 pages, \$2.50

Constitutional Dictatorship

A Political Study by CLINTON L. ROSSITER

HOW constitutional dictatorship has been used, in the past, to preserve democracy . . . and how it can be made safer and more effective for future crises.

The great and continuing western democracies, and the short-lived Weimar Republic, are studied here in the light of their severe national emergencies—war, rebellion, and depression. 320 pages, \$5.00

AT YOUR BOOKSTORE



PRINCETON UNIVERSITY PRESS, PRINCETON, N.J.

PUBLIC ADMINISTRATION

will keep you up-to-date on the great new developments which are taking place in British Government today.

"This admirable Journal contains numerous articles on the theory of administration by British and Continental authors which should be read currently by all serious students."—Dr. Harvey Walker.

- Published quarterly. Annual subscription £1. Post free.
- Complete files from 1923 can be supplied. Details on request.

INSTITUTE OF PUBLIC ADMINISTRATION

18 Ashley Place, London, S.W. 1
England

Political Science in American Colleges and Universities

By ANNA HADDOW

●

This is a chronological history of the teaching of political science in American institutions of higher learning from the founding of Harvard College to 1900. The author emphasizes the variations from period to period in the content of courses and the methods of instruction. An introduction, an extensive bibliography, and an index are included.

●

35 West 32nd St.
New York, N.Y.

Appleton-Century-Crofts, Inc.

Price \$2.50

Announcing

A new volume in a famous series

The
**UNITED STATES
IN WORLD AFFAIRS**

1947-1948

By JOHN C. CAMPBELL

And the Research Staff of the Council on Foreign Relations

WITH AN INTRODUCTION BY DEAN ACHESON

This is the second volume in the new postwar series of the Council on Foreign Relations annual survey of American foreign policy. It is an authoritative, readable, and up-to-date account of American foreign relations during the critical period from the time General Marshall assumed office as Secretary of State to the spring of this year. This has been a period of great responsibilities for the United States in a world which has not yet been able to make peace three years after the end of hostilities.

Broad in scope, objective in approach, this book tells how the Truman Doctrine and the Marshall Plan originated and became cornerstones of a global policy; how the United Nations has been tested by the complex and explosive issues brought before it. It describes clearly and with adequate detail how the United States has dealt with the challenge of Russia and with the pressing problems arising in Europe, Latin America, Asia, and the Pacific. 510 pages of text (illustrated with maps), extensive selected bibliography, and a chronology of world events.

Text Edition \$3.75

HARPER & BROTHERS • 49 East 33d Street, New York 16

MAXEY:

Political Philosophies

Revised Edition

The second edition of this text which traces the course of major political ideas and doctrines throughout all periods of history, and appraises their influence, has been brought completely up to date. Many chapters have been rewritten in order to present recent and contemporary political thought more freshly and effectively. *Published September 14, 1948. \$4.65.*

CHESTER C. MAXEY is Dean of Social Sciences, and Professor of Political Science, Whitman College.

WHITE:

Introduction to the Study of Public Administration

Third Edition

The third edition of this book omits the chapters on administrative areas, treasury management, employee compensation, and retirement systems, which experience indicated to be of less importance or of technical detail. A new section has been added on the dynamics of management, dealing with leadership, planning, coordination, public relations, and organization and methods work. The first two chapters have been entirely rewritten and considerable new matter has been introduced in other chapters. *To be published in October. \$5.50 (probable).*

LEONARD D. WHITE is Professor of Public Administration,
University of Chicago.

ZINK:

Survey of American Government

One of the first books on the university level to include extensive visual aid material, this new text contains many diagrams, charts, maps, and drawings which effectively point up the various aspects of American government. Including many illustrations of personalities and programs, this text for one-semester courses offers a clear presentation of government in the United States as it operates and exists today. *Published August 31, 1948. \$4.75.*

HAROLD ZINK is Professor of Political Science, Ohio State University.

THE MACMILLAN COMPANY

. New York 11

The American Political Science Review

VOL. XLII

DECEMBER, 1948

NO. 6

"CONTRACT CLAUSE" LITIGATION IN COLOMBIA; A COMPARATIVE STUDY IN JUDICIAL REVIEW¹

J. A. C. GRANT

University of California (Los Angeles)

The 1910 amendments to the Colombian constitution provided:

Art. 40. In every case of incompatibility between the Constitution and the law the constitutional provisions shall be applied by preference.

Art. 41. To the Supreme Court of Justice is confided the guardianship of the integrity of the Constitution. Consequently, in addition to the powers conferred upon it by this Constitution and the statutes, it shall have the following: To decide definitively as to the enforceability of bills that have been vetoed as unconstitutional by the Government, or as to all laws and decrees accused before it by any citizen as unconstitutional, first hearing the Attorney-General of the Nation.²

The first function, "to decide definitively as to the enforceability of bills that have been vetoed as unconstitutional," was merely a restatement of the plan copied from Ecuador in 1886 and still in use, although it has proved a major disappointment.³ The second,

¹ This is one of a series of articles presenting the results of a study begun in 1942 on a Guggenheim Fellowship, but interrupted by war service. The field research was completed in 1946 with a grant-in-aid from the Social Science Research Council. The author takes this opportunity to thank both foundations.

For previous articles, see "Estudio Comparativo de los Sistemas de Control de la Constitucionalidad de Leyes," *Revista de la Escuela Nacional de Jurisprudencia* (Mexico), Vol. 8, p. 121 (1946); "El Control de la Constitucionalidad de las Leyes a Petición del Ejecutivo Previamente a la Promulgación: la Experiencia de Colombia," *Revista Mexicana de Derecho Público*, Vol. 1, p. 243 (1947); "Judicial Review by Executive Reference Prior to Promulgation; The Colombian Experience," *So. Calif. Law Rev.*, Vol. 21, p. 154 (1948).

² These provisions now appear in inverse order as Articles 214 and 215 of the 1945 codification of the constitution. The only important change, made in 1945, has been to divest the Supreme Court of jurisdiction over actions against ordinary decrees, which go to the Consejo de Estado, or administrative court.

³ See the second and third articles cited in note 1.

which instituted the use of the popular action as a means of contesting the validity of statutes or administrative legislation, was a more novel step. For the first time in modern history, it was made possible for any person, regardless of any direct interest in the outcome save his interest in common with all others that the constitution be not violated, to bring an action directly against a statute itself in the court of last resort, whose decision settles the issue once and for all.⁴ In addition, of course, Article 40 made it the duty of all courts to pass upon constitutional issues raised in ordinary litigation, as in the United States.

Through these procedures, more than fifty statutes and a far larger number of executive decrees have been held unconstitutional in whole or in part. The bases of these decisions run the complete gamut of constitutional theory, and many of the opinions would seem so familiar to a Yankee lawyer steeped in the concepts that have grown up about our due process, equal protection, and contract clauses, and the concept of the separation of powers, that he might easily mistake them for rulings of our own courts were it not for the tongue in which they are written. Even the methods of reasoning would seem familiar, for Colombian constitutional law, like French administrative law, has been developed largely by decisions and relies heavily upon precedents.

The Colombian experience is a complete refutation of the common error of North American writers in asserting that although judicial review has been copied fairly widely abroad it nowhere has acquired an importance at all comparable to that in its original home because of the absence elsewhere of contract and due process clauses. True, Colombia has neither; but it does have a provision that "private property and other rights acquired with correct legal title, according to the civil laws, by natural or legal persons, are guaranteed, and cannot be disavowed or injured by later laws."⁵ How better could one state the "vested rights" doctrine that lies at the base of all American contract clause and much due process litigation? The cases concerning vested rights arising from con-

⁴ The proceeding bears some semblance to the indictment for unconstitutional legislation used in classical Athens.

⁵ Const. 1945, Art. 30; formerly Art. 26 of the codification of 1936. Until revised in 1926, the clause (Const. 1886, Art. 31) read: "Rights acquired with correct legal title according to the civil laws, by natural or legal persons, cannot be disavowed or injured by later laws."

tractual obligations are so numerous that only the most cursory examination of them will be possible here.

I. THE GOVERNMENT'S OWN CONTRACTS

One of the first problems faced by our own Supreme Court was: Does the contract clause apply only to private contracts, or does it guarantee as well the sanctity of contracts entered into by the government itself? Although our justices were not unanimous, the latter solution was consistently preferred from the very outset;⁶ and latterly the incompleteness of coverage of the contract clause, which curbs only state legislation, has been cured by the due process doctrine that "the United States are as much bound by their contracts as are individuals."⁷ There has never been the least doubt on this score in Colombia.

Money Debts. When the government found itself unable to pay the full salaries of troops called out as a result of a state of siege, the military personnel were required to accept i.o.u.'s for a portion of their wages. The laws providing for the issuance of these certificates also provided that they should be redeemed in legal money; but when they came due the administration, by decree, provided that they should be exchanged instead for promissory notes. Experience indicated that such notes, although issued in small denominations payable to the bearer, would pass on the open market for only from sixty to seventy per cent of their face value. In holding the decree void, the Court not only held that it was illegal as in conflict with the existing statutes, but also that it was unconstitutional. Concluding, as would our own courts, that the statutes in existence at the time the contracts were made not only determined their validity but defined the scope and content of the promises made by the government, the Court stated: "Those favored with the certificates payable in legal money have then a right, acquired by virtue of law, to be paid in this money; and consequently the executive cannot disregard or violate it, ordering . . . that these certificates shall be paid in negotiable certificates of public indebtedness, because rights acquired in accordance with

⁶ See *Fletcher v. Peck*, 6 Cranch 87 (U.S. 1810); *New Jersey v. Wilson*, 7 Cranch 164 (U.S. 1812); *Terrett v. Taylor*, 9 Cranch 43 (U.S. 1815); *Dartmouth College v. Woodward*, 4 Wheaton 518 (U.S. 1819).

⁷ *Perry v. United States*, 294 U.S. 330, 351 (1935), quoting *Sinking Fund Cases*, 99 U.S. 700, 718-9 (1879).

the law are inviolable. . . . The decree . . . consequently is unconstitutional," and the government must redeem these certificates in cash.⁸

Likewise during a state of siege the government made numerous contracts for the transportation of military personnel and supplies by civilians. These contracts, viewed in the light of the laws then in force, provided that upon the presentation of proof of the performance of such services to an administrative board, payment should be made forthwith. A 1905 decree purported to end administrative recognition of services performed during the previous twenty months, thus forcing such claims to be collected through the much slower and more expensive remedy of court action. The decree was held unconstitutional, the Court stating that the rights of such creditors were to be tested by "the ordinary law that governs private conventions," and so tested had been violated even though the decree purported only to abolish a convenient remedy rather than the obligation itself.⁹

No question as to the enforceability of such rulings was involved in either case, as public funds were available for the purposes involved. Had the situation been otherwise, the Colombian Court would have found itself in much the same position of impotence as our own courts when faced with a government that does not choose to recognize its financial obligations. Hence failures on the part of the Colombian government to comply with the terms of payment of its public debt have given rise to very little litigation. In 1925, the government was still proceeding under the terms of an 1886 statute to buy up evidences of its internal debt by means of sealed bids, purchasing from those who offered the most in certificates for the fewest pesos. In that year, a petitioner argued that this law was unconstitutional in that it required creditors to accept less than the sum due under their contracts. The Court held that any action taken under the statute was entirely voluntary, all creditors having "full liberty either to offer (their certificates of indebtedness) in

⁸ Sentence of July 25, 1912, *Gaceta Judicial* 21 (#1046-7): 53. Hereafter *Gaceta Judicial* is abbreviated *G.J.* Unless otherwise stated, all decisions cited were by a full court.

⁹ Sentence of Oct. 30, 1912, *G.J.* 21 (#1079-80): 322. Cf. our own doctrine: "The test of the validity under the contract clause of subsequent legislation affecting the remedy is whether the change does or does not materially impair the value of the rights established by a contract." *Rottschaefer on Constitutional Law* (1939), 573.

these public auctions at prices they consider convenient, or to abstain from taking part in these auctions in hope of better days, or finally to sell them in the open market at the prevailing market price."¹⁰ But when the Congress attempted to repudiate certain outstanding obligations, the Court called a halt.¹¹ The obligation must be left intact, at least until "voluntarily" compromised, even though the Court is powerless to give it life.

The Great Depression brought what appears to be the most serious departure from this general pattern, in that the Court sustained a statute, the net effect of which was to reduce the interest rate on the bonds of the Departments and municipalities to six per cent. This case is discussed below.

Changes in the Monetary System. As we shall see later, the Colombian government, like our own, remains free at all times to alter the monetary system of the nation or to change the value of the peso. Hence there is no doubt as to its authority, having issued nickel coins, to retire them from circulation by recalling them in exchange for other types of money. However, it has been held that it cannot simply demonetize nickel coins without offering such an exchange, since this would do violence to the property rights of the holders of such coins.¹² And although a change from a silver to a gold standard may normally be made at a rate of exchange arbitrarily set by the government,¹³ it was once held that this is not true as to those who have a contract with the government requiring a higher rate. "A public treaty," the majority wrote in finding such a contract in the Concordat of 1888, "is a pact that gives birth to rights and obligations between the parties. . . . If these rights are civil in character, they are protected by Article 31 of the Constitution."¹⁴

The Gold Clause decision, discussed below,¹⁵ would seem to throw a shadow of doubt over the latter ruling, as it held that congressional authority to alter the monetary standard is no more susceptible of limitation by public than by private contracts.

Confiscation of Land or Subsoil Rights. The most obvious disre-

¹⁰ Sentence of Nov. 16, 1925, *G.J.* 32 (#1659-60): 122, 123. See also, Acuerdo 4 of Nov. 30, 1920, *G.J.* 28 (#1464): 225.

¹¹ Sentence of Dec. 16, 1914, *G.J.* 23 (#1197-8): 409.

¹² General Division (3 justices), sentence of May 30, 1911, *G.J.* 20 (#992-3): 24.

¹³ Acuerdo 3 of Oct. 20, 1920, *G.J.* 28 (#1460): 193.

¹⁴ Sentence of Nov. 18, 1930, *G.J.* 36 (#1833): 233, 236.

¹⁵ At note 61.

gard of property rights in land consists in the confiscation of the land itself. This is forbidden, not only by the clause quoted above, but by the additional provision of the same article that private property may be taken for public use only by virtue of a court judgment and previous compensation. Of course land may be abandoned; but permitting it to lie inundated for a period of ten years has been held not to constitute such abandonment.¹⁶ Similarly, when the government has ceded certain subsoil rights with the land it cannot take back those rights.¹⁷ It is idle to argue that such rights were acquired by gift, since "property rights conveyed by the government are as final and firm as those conveyed by any private person."¹⁸

Grants of Public Property. Our own Court has uniformly held that payments or grants being made pursuant to a contract are to be clearly distinguished from payments or grants being made purely as gifts. Although the latter, once made, may be irrevocable, as in the case of lands granted by a state to an established church, there is no reason why they must continue.¹⁹ When the Colombian Congress provided by statute for the construction of a building to be "assigned in perpetuity for the meetings and other functions of the Colombian Language Academy, and for its offices," an American court would have asked: Did the construction and dedication of this building constitute a gift of the building or of an easement therein to the Academy, binding as to the future, or did it merely

¹⁶ Resolution of Nov. 21, 1912, *G.J.* 22 (#1091-2): 9.

¹⁷ Acuerdo 52 of Nov. 21, 1919, *G.J.* 27 (#1406): 177. This case was one of the most bitterly contested in Colombian history, since it turned upon the question of whether or not petroleum deposits had been retained by the government in selling or otherwise disposing of large tracts of land, a point on which the Court divided 5 to 4 against the government. Eight years later, the decision was the basis of a bitter attack upon the Court on the floor of Congress, and those justices who were still in office were called upon to appear and explain the ruling. Two of the dissenting justices declined to appear, but sent a message defending the independence of the Court and insisting that as judges they were not responsible to the Congress but "to God and their own consciences." In the end, Congress passed a resolution "solemnly reaffirming the profound respect that the decisions emanating from the highest judicial tribunal merit, to whose wisdom and rectitude the people have confided the honor of the Republic." *Revista de la Academia Colombiana de Jurisprudencia*, Vol. 10, p. 79 (1927).

¹⁸ General Division (3 justices), sentence of Apr. 25, 1942, *G.J.* 53 (#1984-5): 519, 524.

¹⁹ Compare *Terrett v. Taylor*, 9 Cranch 43 (U.S. 1815), with *Town of Pawlet v. Clark*, 9 Cranch 292 (U.S. 1815).

give rise to a license to use the building for an indefinite term but subject to alteration or cancellation at will? The Colombian Court framed the issue in an essentially similar manner: Did the statute create a vested property right in the building on the part of the Academy? It held that it did, and that it was unconstitutional for the Congress to take back the building and give it to the Society of Engineers.²⁰ A stronger case was presented by the municipality of Mompós. By the Colombian constitution, "The properties and incomes of the Departments, as well as those of the municipalities, are the exclusive property, respectively, of each of them, and enjoy the same guaranties as the properties and incomes of private persons."²¹ Hence, the Congress, having previously given all public lands on the island of Mompós to the municipality, was without authority to provide that some of these lands should be ceded to those who had been renting or leasing them.²²

Pursuant to the terms of the 1892 supplement to the Concordat of 1888, all publicly owned cemeteries with certain designated exceptions were "transferred to the Catholic Church, which shall administer and regulate them independently of the civil authorities." In 1938, the Congress undertook to return all such cemeteries to municipal control, but without success, as the Court found this statute in conflict with the rights vested in the Church by the Concordat.²³ A statute directing the administration to seize as public property a building granted many years earlier to a privately endowed school not only failed of its purpose, but led to damages being awarded the school in an action against the government.²⁴ A mining company, which proved that title to several mines had been conveyed to it by the government, recovered the mines in a decision also ordering the government to post a bond guaranteeing that it would not again disturb the peaceful possession of the grantee.²⁵

²⁰ Sentence of Mar. 4, 1940, *G.J.* 49 (#1953-4): 14.

²¹ Const. 1945, Art. 183, first introduced as Art. 50 of Const. Amend. #3 (1910). Our own constitution contains no such clause, and has not been construed to give any protection to a public corporation or local government against its principal. See *City of Trenton v. New Jersey*, 262 U.S. 182 (1923).

²² Sentence of Nov. 25, 1940, *G.J.* 50 (#1966-8): 653. See also sentence of May 31, 1930, *G.J.* 36 (#1829): 121.

²³ Sentence of Mar. 18, 1941, *G.J.* 50 (#1966-8): 701.

²⁴ General Division (3 justices), sentence of June 2, 1943, *G.J.* 55 (#1996-7): 473.

²⁵ Sentence of Apr. 25, 1942, cited *supra* note 18.

Pensions: Completed Gifts or Mere Unilateral Promises? The most difficult problems of this nature have concerned pensions, which have given rise to a continuous stream of constitutional litigation. The issue first arose in 1915, when President Concha vetoed the provisions of a salary reduction bill making similar or more severe reductions in all existing pensions. The reductions became law, however, as the majority of the justices were of opinion that pensions "have the character of gifts or gratuitous payments. . . . Never has it been considered that these gifts are obtained as civil rights that the Republic is strictly obligated to recognize and pay."²⁶ Similar rulings were made in 1932 and 1936,²⁷ although such statutes were held not applicable to military pensions because of the special protection given to them by the constitution.²⁸ The ruling was still further strengthened by later decisions which in granting pensions followed the law in force at the time of the award rather than the law as it had stood at the time the pension was earned,²⁹ or sustained statutes suspending for a period of years the granting of pensions,³⁰ reducing the size of pensions to be granted in the future,³¹ or providing for the cancellation of existing pensions under certain circumstances.³²

These steps were not taken without the most serious objections on the part of the minority. The basic decision had been rendered by a vote of five to four, and from one to three justices had dissented in later cases. In 1944, the enlarged Court divided nine to seven, the minority insisting that at least as applied to pensions paid in part from salary deductions the claims are "virtually contractual" and constitutionally binding.³³ Finally, on February 28, 1946, in an opinion that carefully examined each point made by the 1915 majority, the Court reversed its position and held that pensions once granted upon retirement from public service are to

²⁶ Sentence of Dec. 10, 1915, *G.J.* 24 (#1225-6): 165, 167. A previous effort to raise the issue had failed because the actual effect of the statute involved was to increase rather than decrease pensions. Sentence of Dec. 11, 1913, *G.J.* 29 (#1502): 109.

²⁷ Sentences of July 28, 1932, *G.J.* 38 (#1869): 161, and Nov. 27, 1936, *G.J.* 44 (#1916): 207.

²⁸ Acuerdo 12 of June 6, 1916, *G.J.* 25 (#1263-4): 49.

²⁹ Sentence of Mar. 26, 1925, *G.J.* 32 (#1661-2): 145.

³⁰ Acuerdo 4 of July 4, 1922, *G.J.* 29 (#1510): 173, and sentence of Nov. 27, 1936, cited *supra* note 27.

³¹ Sentences of Nov. 27, 1936, cited *supra* note 27, and July 29, 1938, *G.J.* 47 (#1942): 303.

³² Sentence of Apr. 21, 1944, *G.J.* 57 (#2006-9): 14.

³³ *Id.* at 19.

be regarded in the same light as salary due for services performed, and hence may not be cancelled or reduced.³⁴ Payment from a fund created in part by salary deductions is not required by the ruling, which goes far beyond any protection that would be given by our own courts under our contract or due process clauses.³⁵ Further litigation will be necessary to determine the exact scope of the new rule.

Charter Provisions, Franchises. Aside from questions of tax exemption, discussed below, four cases turning upon grants of special privileges merit special mention. A charter granted to a Jesuit school provided that its graduates should be accepted for admission to the university. At the time, the only entrance requirement was graduation from an accredited institution. Subsequently a system of qualifying examinations in certain subjects was added. These were held not applicable to graduates of this school because of the original agreement.³⁶ A year later the Congress was held powerless to cancel a franchise to construct and operate a railroad, since "rights and obligations arose between the nation and (the grantee) that were beyond the jurisdiction of the legislature the moment the contract was celebrated."³⁷

In 1920, the Lottery of Magdalena was granted a twenty-year franchise in which the "takes" alike of the government and of the company were specifically set out. In 1923, the Congress passed a detailed statute purporting to regulate all lotteries in the public interest. This statute, if applicable to this company, would have had the dual effect of increasing the percentage of the gross income to be distributed as prizes and of substantially increasing the payments due to the government. The Attorney-General argued that the statute was legally applicable to existing lotteries such as that of Magdalena because it was an exercise of the police power, having been passed to protect the public from undue exploitation and to protect its morals. The Court held that the terms of the franchise prevailed as against this statute.³⁸

³⁴ Sentence of Feb. 28, 1946, *G.J.* 60 (#2029-31): 3.

³⁵ See *Dodge v. Board of Education*, 302 U.S. 74 (1937).

³⁶ General Division (3 justices), sentence of Feb. 7, 1913, *G.J.* 21 (#1072): 267.

³⁷ Sentence of Oct. 15, 1914, *G.J.* 26 (#1337): 33, 34.

³⁸ Sentence of Nov. 18, 1924, *G.J.* 31 (#1611): 149. The decision appears sound, since increasing the amount to be paid out as prizes would not have curbed gambling. Of course the ruling was in general terms, applying to all valid franchises rather than merely to that of the petitioner. This is true of all popular action rulings. Dispute as to the validity of a given franchise is matter for a private suit.

The last of the four cases was very similar in its facts to some of our own "strict construction" cases, but the answer of the Court was very different. In 1894, the government granted a franchise for the construction of an iron toll bridge over the Magdalena river at the city of Honda, the franchise providing that for a period of forty-nine years following its completion "the government obligates itself not to concede to any other person or company the privilege of constructing another bridge over the same river within a distance of 10,000 meters (over six miles) on either side of the bridge, or of establishing ferries." In 1926, the government undertook to purchase many bridges to make them a part of a new national highway system. As this company refused to sell, a 1928 statute appropriated \$200,000 pesos to buy this bridge *or to build another bridge* to connect the city of Honda with the proposed highway. The validity of the statute was challenged, but the Court construed it to authorize the construction of a bridge only outside the 20,000-meter zone covered by the franchise. The opinion implied that such an interpretation was necessary to save the statute, which otherwise might be unconstitutional.³⁹

The decision has been accepted as final. The highway still stops about six miles short of Honda, which remains to this day without a single adequate bridge since the toll bridge will not serve for modern wheel traffic. I was told by Don Carlos Rocha, of the Ministry of Public Works, that present plans call for the construction of a modern bridge linking Honda to the highway as soon as this exclusive franchise expires in another year or two.

II. STRICT CONSTRUCTION?

The rule is definitely established in the United States that "grants of franchises and special privileges are always to be construed most strongly against the donee, and in favor of the public."⁴⁰ This rule was established by the Taney Court over the vigorous objections of such justices as Story and McLean, who felt that public contracts should "be construed by the same rule that gov-

³⁹ Sentence of Aug. 12, 1930, *G.J.* 36 (#1831): 173. The doctrine that statutes should be so construed as not to violate the constitution is well established in Colombia. See sentences of May 26, 1931, *infra* note 46, Aug. 10, 1937, *G.J.* 45 (#1925): 209, 213-4, and Sept. 28, 1938, *G.J.* 47 (#1941): 211, 221.

⁴⁰ *Turnpike Co. v. Illinois*, 96 U.S. 63, 68 (1877). And see *Charles River Bridge v. Warren Bridge*, 11 Peters 420, 544 (U.S. 1837), quoting *Stourbridge Canal v. Wheeler*, 2 Barn. & Adol. 792, 793, 109 Eng. Rep. 1336, 1337 (K.B. 1831).

erns contracts between individuals."⁴¹ It has been pressed so far as to hold that a contract "not to grant to any other person or corporation, any contract or privilege to furnish water to the city . . . for the full period of 30 years," and setting out the terms on which the government might buy out the water company during this period, does not bar the government from going into the water business as a competitor, although the case was a close one and was decided by a five to four vote.⁴²

It is clear from the unanimous ruling in the Honda Bridge Case⁴³ that the Colombian Court was not applying any such extreme doctrine of construction. Indeed, the statement in the earlier Military Transport Case⁴⁴ that the rights of government creditors are to be tested "by the ordinary law that governs private conventions" would seem to reflect an acceptance of the views of Story and McLean. But these rulings are weakened by the tax exemption cases discussed below.

A doctrine similar to that of strict construction may be noted in the rule that statutory provisions do not give rise to contractual rights merely because a party has acted in reliance upon them in his dealings with the government. Thus public officers have no vested rights in their positions, and later statutes may shorten the terms of office or even abolish the positions.⁴⁵

III. PRIVATE CONTRACTS

Save for those discussed in the next section, only three cases involving private rather than public contracts merit discussion. The first grew out of a 1928 statute regulating admission to the practice of law, which had the effect of excluding from practice in all save the inferior courts even existing practitioners who had not pursued a five-year course in a recognized law school. The petitioners argued that to cut short an attorney-client relationship constituted a violation of Article 31. The opinion conceded as much, stating: "The Court has held that the contract made between attorney and client cannot be broken; that here there is not merely an expectancy but

⁴¹ 11 Peters at 558 and 598, dissenting opinions.

⁴² Knoxville Water Co. v. Knoxville, 200 U. S. 22 (1906).

⁴³ Sentence of Aug. 12, 1930, *supra* note 39.

⁴⁴ Sentence of Oct. 30, 1912, *supra* note 9.

⁴⁵ Sentence of Aug. 9, 1924, *G.J.* 31 (#1596-7): 30. The dissenting justice, *id.* at 42, felt that the Court had not duly deliberated over the issue. Cf. *Butler v. Pennsylvania*, 10 Howard 414 (U.S. 1851).

a right vested with correct title." But it construed the statute not to apply to suits filed prior to its effective date.⁴⁶

Two years later, the Court sustained a railroad pension act requiring pensions to employees after twenty years of service. As applied to privately owned railroads, it covered only employees leaving the service of the company after the effective date of the statute; but it counted services rendered prior to its passage in computing the qualifying period. The petitioners contended that such a pension constituted additional compensation for fully compensated services and that under Article 31 employees "never can demand a remuneration greater than that contracted for." Had the case arisen two years later, they might well have quoted the language of our own Court in voiding our Railroad Retirement Act of 1934: "Plainly this requirement alters contractual rights; plainly it imposes for the future a burden never contemplated by either party when the earlier relation existed or when it was terminated. The statute would take from the railroads' future earnings amounts to be paid for services fully compensated when rendered in accordance with contract, with no thought on the part of either employer or employee that further sums must be provided by the carrier."⁴⁷ But the Colombian Court unanimously held that the pension did not constitute additional compensation, and hence did not alter the contract of employment, the law being, instead, a remedial measure passed to insure the necessities of life to those who had used up their energies and useful years in the service of a given company.⁴⁸

The third decision⁴⁹ involved a general law requiring severance pay consisting of one month's salary for each year of service to all employees dismissed without cause. Like the pension act, it applied

⁴⁶ Sentence of May 26, 1931, *G.J.* 36 (#1840): 405, 417. See also the June 5, 1930, ruling of the Superior Court of Medellín, reported in *Derecho* (Medellín) 2: 836 (1930), refusing to apply the criminal sections of the act to practice by unlicensed attorneys in an area where there were no attorneys qualified to practice under the law. The court held that a statute, however clear, is never to be applied so as to render absurd results.

⁴⁷ *Railroad Retirement Board v. Alton R. Co.*, 295 U.S. 330, 349-50 (1935).

⁴⁸ Sentence of Nov. 7, 1933, *G.J.* 40 (#1886): 18. The opinion would have furnished excellent quotations for the four dissenting justices in the Alton case. And see *United States v. Lowden*, 308 U.S. 225, 239-40 (1939).

In its sentence of Sept. 29, 1947, *G.J.* 62 (#2050-1): 597; the Colombian court found it unnecessary to pass upon the constitutionality of subsequent statutes retroactively increasing the size of these pensions.

⁴⁹ Sentence of Nov. 12, 1937, *G.J.* 45 (#1929): 698.

only to those dismissed after passage of the act, but counted all prior service in computing the amount due. The statute was sustained against the contention that to count such prior service was unconstitutional, but only by a seven to six vote, it having been necessary to add a thirteenth justice to break an original tie.⁵⁰

The majority opinion relied largely upon the pension act decision to show that this did not impair the obligation of contracts. It also relied upon the principles of natural law, which the Colombian law expressly provides shall be utilized to interpret the constitution in doubtful cases.⁵¹ The dissenting justices insisted that to count such prior services is to require additional compensation in violation of the employment contract, and showed that natural law, like a written constitution, can often be quoted by both sides, since "one of the principles of this Law is that respecting vested rights . . . of private property."⁵² Their efforts to distinguish the issue in this case from that involved in the pension decision relied upon by the majority were rather lame, and as is so often the case with our own Court, the change from a unanimous ruling in 1933 to a seven to six vote four years later can be explained only in one way: changes in the personnel of the Court.

IV. POWERS THAT CANNOT BE SURRENDERED BY CONTRACT, NOR CURBED BY PRIVATE AGREEMENTS

These cases may best be considered under three headings: control of the currency, tax exemption, and police power. A fourth heading, eminent domain, would be necessary to examine the rulings of our own courts,⁵³ but this is an issue that does not seem to have been involved as yet in Colombian litigation.

Control of the Currency. Among the powers specifically delegated to the Colombian Congress is that "to fix the fineness, weight, type, and denomination of money."⁵⁴ This power, the Court has held, cannot be surrendered by contract or curbed by private agreements,⁵⁵ and concerns a field in which the public interest must prevail against private rights.⁵⁶

⁵⁰ Under Colombian practice, such extra justices are chosen by lot from a list prepared annually by the Court itself. *Código Judicial*, Arts. 57-67.

⁵¹ Law 153 of 1887, Art. 4. ⁵² *G.J.* 45: 723.

⁵³ See *Pennsylvania Hospital v. Philadelphia*, 245 U.S. 20 (1917).

⁵⁴ Const. 1886, Art. 69 (14); now Art. 76 (17) of the codification of 1945.

⁵⁵ Acuerdo 7 of May 17, 1921, *G.J.* 28 (#1474-5): 305, 307.

⁵⁶ Sentence of Feb. 25, 1937, *G.J.* 44 (#1920-1): 613, 621.

Most legislation altering the monetary system or decreasing the amount of precious metal in the peso has gone unchallenged, even when it has concerned public contracts. Of the few cases that have been brought, two were dismissed because the party complaining of an injury to his pocketbook actually profited from the legislation.⁵⁷ In a third the majority, three members dissenting, summarily rejected a plea that the government certificates issued in the days of a silver standard should be redeemed at other than the purely arbitrary rate set by the government in changing to a gold standard.⁵⁸ An action brought to nullify a 1933 statute curbing the contractual rights of the Banco de la Republica to deal freely in gold in the export market was dismissed as moot when the statute was repealed before the case could be decided.⁵⁹

The first important opinion on this problem was rendered on May 17, 1921. Certain private banks had been authorized, pursuant to a 1905 statute, to issue bank notes payable against their treasury. A 1919 statute provided that in the future no such notes should be issued in denominations of \$10.00 pesos or less, and that all such small denomination notes then in circulation must be recalled. The act was sustained save for a clause discussed below, a unanimous Court concluding that under the 1905 act these banks had merely been granted a license to issue notes, subject to cancellation at will. The opinion added: "Contractual arrangements between the government and private persons cannot compromise the prerogatives that belong to the nation . . . under the Constitution; so that . . . every stipulation that impairs these powers would be empty. . . . Hence, even if the right to issue these hypothecary notes emanated from contractual agreements anterior to Law 108 of 1919, the legislature could have limited it as it has done by the article attached."⁶⁰

The doctrine was again applied in the decision of February 25, 1936. Following the world-wide trend, Law 46 of 1933 provided that debts due in gold should be paid peso for peso in paper money, and that debts payable in a foreign currency should be paid in Colombian paper at a rate in keeping with the exchange rate for such

⁵⁷ Sentence of Dec. 11, 1913, *G.J.* 29 (#1502): 109, and Acuerdo 28 of Aug. 28, 1917, *G.J.* 26 (#1360): 217.

⁵⁸ Acuerdo 3 of Oct. 20, 1920, *G.J.* 28 (#1460): 193.

⁵⁹ Sentence of July 28, 1935, *G.J.* 42 (#1897): 6.

⁶⁰ Acuerdo 7 of May 17, 1921, *supra* note 55.

foreign currency "on the date on which the obligation was incurred." Both provisions were unanimously sustained, the opinion stating: "The monetary system of a country belongs to its public law. This, in its application and in its consequences, governs with us with the criterion of the unconditional primacy of the public interest over private interests, this being characteristic of democracy." In short, a stipulation as to the monetary unit or its value "is not part of the contract" that must be regarded as sacred by the law, since this would curb "the power conceded solely to the Congress by the Constitution."⁶¹

It is interesting to compare the language of Chief Justice Hughes in sustaining our own "gold clause" legislation: "Contracts, however express, cannot fetter the constitutional authority of the Congress. Contracts may create rights of property, but when contracts deal with a subject-matter which lies within the control of the Congress, they have a congenital infirmity. Parties cannot remove their transactions from the reach of dominant constitutional power by making contracts about them."⁶² However, unlike the Colombian Court, our Court declined to apply this doctrine to the government's own contracts.⁶³

In spite of the strong language quoted above, the opinions of the Colombian Court make it quite clear that even the money powers of the Congress are not without judicially enforced limits. As we have seen, nickel cannot be demonetized unless outstanding nickel coins are exchanged for coins of the new types replacing them, since failure to do this would amount to confiscation of a large share of the value of such outstanding coins.⁶⁴ An equally strong ruling was made in the decision of May 17, 1921, holding that Congress can prohibit the issuance of new bank notes in denominations that would compete with the government's paper money. While conceding that ultimately all such outstanding notes must be withdrawn from circulation, the majority held unconstitutional the added requirement that they must be retired within two years, one fourth every six months. This time limit, they held, was void

⁶¹ Sentence of Feb. 25, 1937, *G.J.* 44 (#1920-1): 613, 621, 622.

⁶² *Norman v. Baltimore and Ohio R. Co.*, 294 U.S. 240, 307-8 (1935).

⁶³ *Perry v. United States*, 294 U.S. 330 (1935). But Congress, by a joint resolution of Aug. 27, 1935, rendered the decision abortive by forbidding suits on such contracts. 49 Stat. 938, 939, 31 U.S.C. s. 773b.

⁶⁴ Sentence of May 30, 1911, *supra* note 12.

for "lack of equity and justice," since the banks could not in turn call the loans serving as security for these notes, and hence would encounter "enormous and grave difficulties" in complying with the law.⁶⁵ Only one justice dissented.

The 1911 nickel coin ruling clearly was based, with sound reason, upon Article 31—now Article 30—of the constitution. The 1931 opinion, however, failed to specify any provision of the constitution that is violated by a law merely because it is not equitable. Possibly it also had Article 31 in mind; but there is authority for the doctrine that the principles of divine and natural law, which are "anterior to and superior to the state," are binding upon the Congress and enforceable in the courts,⁶⁶ and it seems reasonable to surmise that it was such a doctrine that was in the Court's mind in writing this opinion. Our own courts, of course, would base such a ruling upon the due process doctrine that statutes are unconstitutional if so unreasonable as to do violence to basic principles of justice—a rule that has sometimes been attacked as merely "natural law" dogma in disguise.⁶⁷

The only other case in which vested rights have been held to prevail against the money powers of Congress is the 1930 decision, mentioned earlier, which held that an express contract with the government may control the rate at which the face value of a silver peso obligation will be converted into gold pesos.⁶⁸ That case was pending in the Court for over five years before a decision was reached by an eight-to-four vote. Although the ruling would seem broad enough to invalidate the repudiation of a gold clause in government bonds, it was ignored by the Court when it sustained the 1933 legislation in its decision of February 25, 1937.⁶⁹

Tax Exemption. Although the issue has seldom been litigated and cannot yet be considered settled, the Colombian cases indicate a progression from acceptance of contractual immunities from taxation to a position that at least throws a very serious shadow of doubt over the validity of such agreements.

The story opens with a decision that cannot properly be said to

⁶⁵ Acuerdo 7 of May 17, 1921, *G.J.* 28 (#1474-5): 305, 307.

⁶⁶ The quotation is from the sentence of Feb. 25, 1937, *G.J.* 44 (#1920-1): 613, 619, which was discussed above at note 61. And see note 51.

⁶⁷ See the dissenting opinion of Mr. Justice Black in *Adamson v. California*, 332 U.S. 46, 68 (1947); J. A. C. Grant, "The Natural Law Background of Due Process," *Columbia Law Rev.*, Vol. 31, p. 56 (1931).

⁶⁸ See *supra* note 14.

⁶⁹ See *supra* note 61.

involve tax exemption, although the effect of the advance payment of taxes gave a very similar result. Under an 1888 statute, one desiring to acquire title to an emerald mine was first required to pay all taxes that would be due on the mine for the next twenty years. These taxes amounted to only \$5.00 pesos per year for an average mine, or \$100.00 pesos for the twenty years; larger mines paid at a rate of \$5.00 pesos per year per square kilometer. In 1905, the government, as a part of its campaign to gain a monopoly over the entire emerald industry, increased the tax on producing mines to \$60,000.00 pesos per year; and a 1907 statute gave the government the option of collecting this tax or a tax of ten per cent of the gross revenue from the sale of emeralds. These new taxes were held unconstitutional as to mines upon which the taxes had been paid in advance, whose owners, the Court held, "had acquired a perfected legal right, which cannot be disavowed or injured by later laws."⁷⁰

A clear-cut issue of tax exemption was raised by Article 38 of Law 109 of 1933, which provided: "All articles introduced through the customs houses of the Republic shall pay the corresponding duties. The government shall provide for the procedure whereby public and private organizations may obtain from the national treasury the restitution of the duties from which they may be exempted by law or by contracts." The Court found nothing wrong with this act in so far as it pertained to exemptions provided for only by law, but it unanimously held that it was unconstitutional as to contractual exemptions. The Court was impressed with the petitioners' arguments that the proposed procedure would result in a loss of interest on the money tied up pending its recovery, and might even make it impossible for the tax exempt party to clear his merchandise through customs if he found himself lacking the necessary funds to pay the duties.⁷¹

The issue does not seem to have arisen again until 1935, when one G. Valencia sought a ruling that a clause in a 1919 contract with the Tropical Oil Company was unconstitutional. The clause read: "The government binds itself not to levy an export or other tax on the products that are exported by virtue of the present contract." The Court dismissed the request as improperly brought in a popular action, as the validity of a contract may be questioned

⁷⁰ Resolution of Aug. 2, 1912, *G.J.* 22 (#1091-2): 2, 5.

⁷¹ Sentence of July 28, 1924, *G.J.* 31 (#1599): 53.

only by a party in interest in a regular suit in a trial court.⁷²

The next case grew out of a 1932 agreement with the Banco Hipotecario whereby the government, in return for certain conditions accepted by the bank, agreed that all mortgages and negotiable notes issued by the latter "shall be free from all taxes save for the income tax that is now in force." Later, the income tax rates were increased, the statute specifically providing that the new rates should apply to the mortgages and notes issued by this bank save when these called for an interest rate not exceeding six per cent. The manager of one of the units of the bank brought a popular action against this statute, alleging that it infringed the contractual rights of his company. In reply, the Attorney-General contended that the phrase "income tax that is now in force" is "a mobile and changing expression that comprehends the mutations that this tax may undergo in the different years in which the tax is in effect." Before a ruling could be made, the Congress repealed the disputed clause, and the case was dismissed as moot⁷³ without passing upon the appropriateness of a popular action as a means of settling the dispute as to the proper interpretation of the contract.

Two other cases were already pending in the Supreme Court growing out of suits brought against the nation by the Colombian Petroleum Company and the South American Gulf Oil Company to recover taxes paid under protest. In 1931, both companies entered into arrangements whereby title to all of their properties will pass to the state at the end of fifty years; meanwhile, their properties and operations "shall enjoy an exemption from all national, departmental, and municipal taxes. . . . The petroleum produced shall not be taxed in any manner. . . . The national stamp tax and the income tax are excepted." The cases turned upon the construction and validity of this qualified tax exemption.

In 1935, Colombia completely overhauled its income tax law, adding not only a graduated excess profits tax but a graduated property tax as well, the rate doubling for large holdings of unde-

⁷² Sentence of Dec. 6, 1935, *G.J.* 42 (#1899): 292, 296. This is a well established rule of jurisdiction. See sentence of Dec. 14, 1931, *G.J.* 38 (#1877): 541. The same is true of disputes as to the title to property claimed alike by the government and by private parties. Compare the sentence of Dec. 9, 1946, *G.J.* 61 (#2042-4): 623, dismissing a popular action for lack of jurisdiction, with the rulings of the General Division (3 justices) in *J. del Castillo et al. contra la Nación*, April 25, 1942, *G.J.* 53 (#1984-5): 519, and *Colegio de Jesús, María y José contra la Nación*, June 2, 1943, *G.J.* 55 (#1996-7): 473.

⁷³ Sentence of May 4, 1938, *G.J.* 46 (#1935): 386.

veloped lands. The statute declared that "for all legal effects, the income tax, the additional excess profits tax, and the complementary property tax shall be considered as a single indivisible whole." Both companies insisted that such a statutory declaration of policy could not prevail against their contractual rights, and that this property tax was not an income tax, since it levied a higher rate upon lands producing no revenue than upon productive holdings.

In relatively long but unanimous opinions, the Court upheld the tax as applied to each company. It is difficult to say just what the basis of these rulings was. The larger part of the opinion in the principal case was devoted to an elaborate exposition of the doctrine that the power to tax is inalienable. Starting with the general rule that the government is as bound by its contracts as are individuals, it pointed out that there are exceptions where this ceases to be true, as when public health or safety are at stake. It then advanced the thesis that the primary characteristic of a government of laws is its recognition of the principle of equality before the law, including equality of taxation, the very opposite of special privilege. Hence it concluded that "the distribution of the tax burden among the citizens constitutionally cannot be done save on the basis of the principle of democratic equality," from which "it follows that it would not be merely illegal but unconstitutional to pretend, as the plaintiff does, that he enjoys a position of fiscal immunity, having as its reason that the extraordinary prerogatives granted to him embrace the entire Colombian tax system, present and future, with the single exception of two taxes."⁷⁴

This appears to be a flat rejection of even the qualified doctrine of our own Supreme Court, perhaps best stated by Chief Justice Waite, *obiter*, in *Stone v. Mississippi*: "No government . . . can bargain away its whole power of taxation, for that would be substantially abdication. . . . For a consideration it may, in the exercise of reasonable discretion, and for the public good, surrender a part of its powers in this particular."⁷⁵ If any set of facts can meet this test, those involved in these two Colombian cases would seem to do so. It appears idle to talk of the right of others to demand that these companies be taxed the same as they; *their* properties do not pass to the state in fifty years. The bargain may have been a good or a bad one; but certainly our courts today would hold that

⁷⁴ Colombian Petroleum Co. contra el Estado, Oct. 7, 1938, *G.J.* 47 (#1942): 374, 378.

⁷⁵ 101 U.S. 814, 820 (1880).

it was made in the exercise of a "reasonable discretion" and is binding. For a contrary view, one must turn to such repudiated decisions as the 1853 ruling of the Ohio supreme court in *Bank of Toledo v. Bond*, which held: "The right of taxation, like the right of eminent domain, . . . constitutes . . . a most important trust of civil authority. . . . Neither of them can be bartered off by the legislature, either in whole or in part, or in any manner abridged or restrained in its exercise by contract."⁷⁶

But the opinion does not stop here. Having concluded that "the Court does not accept the thesis" of the plaintiff "that he was contractually exonerated from the payment of all taxes, save two," it then adds that these new taxes "on property and excess profits are not different from the tax on income."⁷⁷ And in the companion case it wrote: "The Nation has not failed to fulfill its contractual stipulations and obligations, since . . . the income tax was excepted and since the taxes the collection of which the plaintiff protests are merely complementary and additional to it."⁷⁸ Even the concession that the Attorney-General was willing to make, that the taxes were unconstitutional as applied to properties not producing revenue, was rejected as unsound. This is strict construction with a vengeance.

Police Power. No rule is better settled in our own constitutional law than that the government, in the exercise of its police powers, may override public and private contracts alike. As stated by Chief Justice Waite: "No legislature can bargain away the public health or the public morals. The people themselves cannot do it, much less their servants";⁷⁹ and of course the same is true of public safety.

The development of a similar doctrine in Colombia was inevitable, especially in view of the fact that Article 31 itself expressly provides: "When from the application of a statute passed for reasons of public utility or social interest, a conflict results between the rights of private persons and the necessity recognized by the same statute, the private interest must yield to the public or social interest"; and that there is the further provision: "The authorities shall inspect the industries and professions in all that relates to the

⁷⁶ 1 Ohio State 623, 701 (1853). Chief Justice Bartley's opinion placed great reliance upon the doctrines of natural law in defending this thesis, and quoted both Rutherford's *Institutes of Natural Law* and Puffendorf.

⁷⁷ *Op. cit.* at 378-9.

⁷⁸ *South American Gulf Oil Co. contra el Estado*, Oct. 7, 1938, *G.J.* 47 (#1942): 380, 384.

⁷⁹ *Stone v. Mississippi*, 101 U.S. 814, 819 (1880).

public morals, safety and health."⁸⁰ The phraseology used in the latter clause does not seem too strong, but in 1925 the Court, pointing out that in the debates of the constitutional convention of 1886 "the words inspect and restrict were used without distinction" in the discussions of the clause, definitely held that it is a grant of power to regulate as well as to inspect.⁸¹ Although as recently as 1924 the Court had intimated a possibility that the authority given does not go so far as to grant power to override express contractual agreements of the government itself,⁸² the contrary view was definitely established the following year⁸³ and has not been questioned since.

Our own courts have had little difficulty in applying the doctrine save in delimiting the scope of "public safety": Is it restricted to mere *physical* safety, or does it encompass as well the economic security of the citizen and hence of the body politic as a whole? It took the Great Depression to break down the older and broader barriers to governmental action and to establish the present doctrine that accepts mortgage moratoria, and even state bankruptcy laws, as valid police power measures. In doing this, we were merely paralleling the Colombian decisions.

The first important ruling did not come until September 25, 1925. In revising the banking laws, the Congress provided that banks accepting savings accounts must maintain certain reserves and that all buildings serving as security for loans must be insured in favor of the bank. In a unanimous opinion, the Court sustained the law against the contention that many banks had been granted rights to conduct their business free from such limitations. The opinion stated that since the constitution recognizes "the power to regulate the conduct of businesses as to activities pertaining to the public morals, safety, and health, the banks cannot allege any vested rights with respect to whatever legal requirements tend to regulate or restrict the conduct of the banking business for reasons of public security."⁸⁴

Three months later, a second banking act came before the Court, one section of which prohibited the use of reserve funds for the payment of dividends. The petitioner attempted to prove that many banks had contractual rights to do this. The Court did not find

⁸⁰ Const. 1886, Art. 44, now Art. 39 of the codification of 1945. Since 1936, it has read "professions and employments" instead of "industries and professions."

⁸¹ Sentence of Sept. 25, 1925, *G.J.* 32 (#1646-7): 17.

⁸² Sentence of Nov. 18, 1924, *G.J.* 31 (#1611): 149, 150.

⁸³ See the case cited *supra*, note 81.

⁸⁴ Sentence of Sept. 25, 1925, *G.J.* 32(#1646-7): 17, 17-8.

such contracts; but it added, to clinch the decision, that even supposing such "vested rights against the state, still the Article . . . attacked would not be unconstitutional, since . . . laws passed for motives of public morals, health, or utility have general effect immediately, even though their application results in a conflict with the rights of individuals, since in such case private interest must yield to public interest."

Many other sections of the law were attacked, but upon the ground that they interfered with freedom of contract rather than vested rights, or that they delegated powers to the wrong persons or without adequate safeguards. The balance of the ruling thus falls within the realm of separation of powers or due process rather than of our contract clause; but it is interesting to note that certain portions of the law were held unconstitutional because of "a real arbitrariness," the majority insisting that "this high power of police . . . extends, as is obvious, to such measures as may be reasonable and equitable, and have an appropriate relation to the subject-matter of the regulation, in such a way that it clearly appears that the respective law tends toward the public welfare or the prevention of an offense or social danger."⁸⁵ Some concurring or dissenting opinions—there were eight in all—went even farther in their efforts to enhance the rôle of the Court.

In spite of the strong language of these opinions, no effort was made to invalidate further legislation of this type until the emergency legislation of the depression years gave rise to the most severe test of all. In a series of laws passed in 1932 and 1933, the government rode roughshod over private and public contracts alike. One had the effect of reducing interest rates on existing obligations to six per cent in the case of debts guaranteed by a lien on tangible property and eight per cent in the case of unsecured loans, and a second lowered the interest rate on the bonds of the Departments and municipalities to six per cent. These measures were cast in the frame of tax laws, but the joker lay in the fact that the debtor was authorized to collect the tax at its source—his pocketbook—and *to retain it*. A reduction of the principal amount of all debts by thirty per cent was made effective by forbidding all foreclosures for a term of years unless the creditor agreed to accept seventy per cent of the original sum, with a similar reduction in the unpaid interest. As we have seen above, gold was withdrawn from circulation and all debts were made payable in paper money, peso for peso. Debts

⁸⁵ *Id.* at 170, 172.

due in a foreign currency were declared payable in Colombian paper, the amount to be determined by the rate of exchange as of the day when the obligation arose.

The Court unanimously sustained all of these statutes. Its reasoning may be summarized by quoting a single phrase: "Law is not logical but economically ethical."⁸⁶ Continuing, it drew a parallel from the private law of contracts: agreements may cease to be binding because of mistake of fact or alteration of the circumstances, both of which it felt were present here. The principal opinion then proceeded to divide individual rights into absolute and relative rights. Those in the former category, including personal liberty and the inviolability of the home and of private correspondence, it felt had existed prior to and are above government, a principal reason for the creation of political institutions having been to furnish guarantees for these rights. But it could see no reason for putting the monetary system of a country into this category; instead, in this field we must accept "the unconditional primacy of the public interest over private rights."⁸⁷ The concurring opinion expressed a wholehearted acceptance of a similar doctrine: "Before and above positive laws exist eternal, divine, and natural laws."⁸⁸ It found no conflict between these "higher laws" and the statutes under attack, nor between these statutes and the written constitution.

Both opinions took it for granted that what had been said applied equally to the reduction of interest rates on the bonds of local governments, the principal opinion adding that possibly this statute might also be sustained as a tax measure since it would, unlike the act concerning private debts, yield a profit to the public treasury.⁸⁹ Our own courts, of course, would reject such a contention unless it were advanced under the guise of a bankruptcy law.

The consequence of the cases is clear: as in our own law, the police power *overrides* contracts, including even those of the government itself. In an opinion written on behalf of a unanimous Court, Mr. Justice Mújica sought to rationalize the rule by stating it in a more qualified manner; such exertions of the police power do not evade or ignore contractual rights, but merely affect them "indirectly."⁹⁰ A more straightforward and sounder view is championed by Professor Tulio Enrique Tascón, formerly president of the Ad-

⁸⁶ Sentence of Feb. 25, 1937, *G.J.* 44 (#1920-1): 613, 616.

⁸⁷ *Id.* at 621. ⁸⁸ *Id.* at 623. ⁸⁹ *Id.* at 617.

⁹⁰ Colombian Petroleum Co. contra el Estado, *supra* note 74 at 377.

ministrative Court, when he states that the sole limitation on the power of the government is that the action be taken on behalf of the public morals, safety, or health; that "the state incurs no responsibility for injuries that may be caused by its administrative and legislative measures dictated for these reasons, since rather . . . it would be answerable if, knowing that an activity had turned harmful for the public morals, safety, or health, it did not limit or suspend it."⁹¹

V. CONCLUSION

Although the Colombian cases are so numerous that to exhaust them would unduly lengthen this article, all of the more important ones have now been discussed. Many similarities and some differences between the rules applied by the Colombian Court and those applied by our own Court have been noted as the study progressed, and no doubt the reader, drawing upon his knowledge of our case law, has noted others. No effort will be made at summarization. But I am sure that the reader has been as impressed, as I have been, with the many parallels.

These parallels are the more surprising because there is so little evidence of direct borrowing. Certainly the Colombian decisions have remained largely unknown to our judges and even to our scholars, who have not been aware of the important rôle played by the Supreme Court in Colombian constitutional law. It is even doubtful if those who wrote the Judiciary Act of 1939 realized that in providing that the Attorney-General should have a right to become a party in constitutional litigation they were copying an idea long exploited in Colombia and other Latin American countries. While Colombian judges and scholars have not been equally uninformed as to our system, there has been no real interest in the study of United States precedents in that country. If a judge or scholar desires to go beyond the Colombian law, he is far more apt to turn to the French or other Continental writers, even on constitutional questions. The Supreme Court library, to be sure, does have an almost complete set of the Law Edition of our Supreme Court Reports; but during the several months that I frequented that library I never once noted a volume having been withdrawn for use. One can only conclude that the Colombian Court has worked out its rules from native materials, with only occasional borrowing from us.

⁹¹ T. E. Tascón, *Derecho Constitucional Colombiano* (3d ed., 1944), 111-2.

AMERICAN GOVERNMENT AND POLITICS

THE REPEAL OF P.R. IN NEW YORK CITY—TEN YEARS IN RETROSPECT*

BELLE ZELLER

Brooklyn College

AND

HUGH A. BONE

University of Washington

In November, 1936, the voters of New York City approved the use of proportional representation for the election of members of the city council by a vote of 923,186 to 555,217, after its opponents had failed by court action to prevent the question from being submitted.¹ By a combination of Democratic delegates from New York City and machine Republicans from upstate, the constitutional convention of 1938 provided the people of the entire state an opportunity to reject decisively an amendment that would have prohibited the use of P.R. in any election in the state.² Still another unsuccessful attempt to abolish the system was made in 1940—this time through initiative petition under provision of the New York City charter.³ With the entry of the United States into the war, no further serious effort at repeal was made until 1947, although dissatisfaction with the results of the councilmanic elections continued to be heard even above the din of war.⁴

How did the forces line up in the intense battle over P.R. in the campaign of 1947? The political parties, of course, had a direct stake in the results of the campaign. On the one side were the Democratic and Republican county organizations urging repeal of P.R., while the American Labor party, the Liberal party, the Communist party, and the Fusion forces worked for retention of the system. On the old board of aldermen

* The authors are indebted to Dr. George H. Hallett, Jr., for access to the files of the Citizens Union on proportional representation and for his valuable criticism and suggestions. The conclusions reached are entirely those of the authors.

¹ *Mooney v. Cohen* (272 N. Y. 33, Remittitur Amended, 272 N. Y. 597, 1936). Genuine public interest in proportional representation came with the legislative investigation of the Walker administration by Judge Samuel Seabury in 1931 and 1932. In 1934, the state legislature authorized the appointment of a charter commission, and in 1936 the resulting body recommended that the question of proportional representation be submitted to the voters of New York City. See George H. McCaffrey, "Proportional Representation in New York City," in this *REVIEW*, Vol. 33 (Oct., 1939), pp. 841-852.

² The vote in the state was 1,554,404 to 627,123; in New York City, the amendment was rejected by 775,038 to 355,031.

³ In 1940, the proposition was defeated in the city by a vote of 782,768 to 565,879.

⁴ Companion bills to abolish P.R. were introduced in the state legislature in 1944 by Democratic Senator Dunnigan (S. Int. 149) and Democratic Assemblyman Rudd (A. Int. 216). Neither bill passed.

elected through single-member districts, the Democrats had a virtual one-party monopoly of representation. Although the Republicans enjoyed greater influence and representation in the new council, the leaders could not always prevent the nomination and election of so-called independent Republicans through P.R. Above all, the Republicans could not afford to have the Democratic party alone exploit the issue of Communism, which was the battle-song of 1947.

The five Democratic county leaders spoke with one voice. The leader of Tammany Hall, Frank J. Sampson, urged the voters to "throw out this Stalin Frankenstein," and later predicted that the high registration figure of 2,356,248 for an off-year meant that "P.R., a foreign political theory that has created confusion with the blessing of the Kremlin, will meet its Waterloo on the sidewalks of New York."⁵ The Bronx Democratic leader, Edward J. Flynn predicted that "the voters will overwhelmingly discard this complicated system, responsible for the election of two Communists in the council."

Of the five Republican leaders, Thomas J. Curran, chairman of the New York County Republican Committee and also secretary of state in Governor Dewey's administration, was the last officially to urge the repeal of P.R. "P.R.," he asserted, "has resulted in a disproportionate representation for a well disciplined, organized group whose main purpose is to alter the form of our government. Communists well recognize any situation which tends to further that aim. Frankly, we recognize it, too. Also, let us not forget that Hitler used proportional representation to take power unto himself in Germany."⁶

The Republicans, however, were not solidly behind the repeal of P.R. Much significance was attached to Governor Dewey's silence on the question at a time when he urged passage of all other proposals before the voters that year. The executive director of the Liberal party challenged the Governor to speak out: "You are a registered voter in New York City as well as the leader of your party in New York State, and it is incumbent upon you to make clear whether the position against P.R. taken by the five county Republican leaders accurately reflects your views. Are you, too, against proportional representation? It would be obvious that your silence in this important issue could be interpreted only as tacit approval of a united front between Tammany and the Republican party of New York City."⁷

⁵ Cf. *New York Post*, Oct. 13, 1947. Sampson personally participated actively in the campaign. He appeared dramatically in Vito Marcantonio's district, and spoke against P. R. from a sound-truck on the "lucky corner" where Mayor LaGuardia closed his political campaigns. Cf. *New York Times*, Nov. 1, 1947.

⁶ *New York Journal American*, Oct. 10, 1947.

⁷ *New York Times*, Oct. 7 and 18, 1947. The Governor maintained silence on this "local matter" except to announce during the last week of the campaign that he would vote "yes" on all questions before the voters that year.

The New York Young Republican Club and the Young Women's Republican Club of New York would not follow the position of their county leader Curran, and other Republicans spoke out in opposition to the party leaders on the issue. In fact, a majority of the Republican councilmen opposed the position of the county leaders on P.R.

On the other hand, Robert Moses, prominent Republican, participated actively in the campaign and vigorously opposed P.R. as a threat to democratic government. "No democratic system," he declared, "can exist in any form of government save under the two-party system. I want to see the two-party system restored in our city, instead of the three, four, and five party system which now exists."⁸

C. C. Burlingham, former president of the American Bar Association, charged that "the Republican leaders are willing to sacrifice their party in order to be rid of the two Communists, who, thanks to P.R., are members of the Council." Fiorello La Guardia spoke through his widow, who made public the following statement, prepared shortly before his death on September 20, 1947: "To repeal P.R. now would be distinctly a step backward. Surely no one can say that the council (which is elected by P.R.) has been very kind to me. Yet it is the American system, and opposition is not only necessary but wholesome to government."⁹ Samuel Seabury disclosed that "Governor Roosevelt told Dr. George Hallett that he thought proportional representation, with its opportunity for minority expression and criticism, would be a substantial charter improvement."¹⁰

Despite vigorous opposition of the Democratic leaders, Mayor O'Dwyer refused to take a stand on the question, but when pressed repeatedly for his position stated: "I do not believe that on this question the prestige of the office of mayor should be used either for or against it . . . I have, however, made it known to every person in this administration that they are free to take any position that is in the best interest of the city. You will find that key members of this administration are on opposite sides on this question."¹¹ It was not surprising, therefore, to find Louis Cohen, assistant to the Mayor, playing a prominent rôle in this and earlier cam-

⁸ *New York Herald Tribune*, Oct. 28, 1947. It should be said, however, that in 1946, without P.R., there were a number of four-cornered races, especially for the state senate and assembly, from Bronx county, in which each of the four candidates received a substantial number of votes. See especially the returns from the 24th, 26th, and 28th senatorial districts and from the 2nd, 3rd and 8th assembly districts, in which candidates with less than half the votes secured all the representation at the expense of a divided majority. There would have been an even larger number of such races throughout the city but for the endorsement of some Democratic and Republican candidates by the Liberal party or the American Labor party.

⁹ *PM* [New York], Nov. 2, 1947, and *New York Herald Tribune*, Nov. 2, 1947.

¹⁰ *New York Times*, Oct. 9, 1947.

¹¹ *New York Times*, Oct. 31, 1947.

paigns to abolish P.R., while Paul L. Ross, his administrative secretary, was urging continuance of the system.¹²

However, the battle over P.R. was not left entirely to be waged by the professional politicians and public officials. Unofficial private organizations and the newspapers of the city participated with such vigor as to enliven what otherwise would have been a dull off-year election. On the one side was the Keep Proportional Representation Committee, with Samuel Seabury as honorary chairman and Richard S. Childs as chairman, and on the other the Citizens Committee to Repeal Proportional Representation, with George F. Mand as chairman.¹³ These two organizations tended to coördinate the activities of the numerous other organizations on each side participating in the campaign.

Among prominent private organizations favoring the retention of P.R. were: Americans for Democratic Action; American Veterans Committee; Citizens Union of the City of New York; City Club of New York; Commerce and Industry Association; Federation of Jewish Women's Organizations; Greater New York C. I. O. Political Action Committee; International Ladies Garment Workers Union; International Workers Orders; League of Women Voters; National Council of Jewish Women; National Association for the Advancement of Colored People; National Lawyers Guild; Progressive Citizens of America; United Neighborhood Houses; and Women's City Club of New York. Prominent among organizations favoring repeal were: American Federation of Labor (Central Trades and Labor Council); American Legion; Catholic War Veterans; Disabled American War Veterans; New York City Federation of Women's Clubs; Veterans of Foreign Wars; New York Board of Trade; and Veterans Democratic League. Many local chambers of commerce, property owners, and taxpayer groups conducted campaigns for repeal going far beyond the passage of formal resolutions released to the press. Such local groups made a point of stressing the argument that P.R. failed to provide for genuine representation of localities within the borough.¹⁴

The newspapers in the city were not neutral. Not only did they open

¹² Of Mr. O'Dwyer's colleagues on the Board of Estimate, Comptroller Lazarus Joseph remained silent throughout the campaign, while Vincent R. Impellitteri, president of the city council, and Hugo E. Rogers, president of the Borough of Manhattan, spoke out for repeal during the last week of the campaign. Messrs. Joseph, Impellitteri, and Rogers had been endorsed for election in 1945 by both the Democratic and American Labor parties.

¹³ According to the sworn statement of its assistant treasurer, filed with the secretary of state on Nov. 24, 1947, the Citizens Committee to Repeal P. R. was financed wholly by the five Democratic county committees in New York City.

¹⁴ See debate on this point between the Citizens Union and the *Brooklyn Eagle* in *Brooklyn Eagle*, July 27 and Aug. 10, 1947.

their news columns, accompanied by photographs, to report the activities of political parties and organizations active in the campaign, but they carried an unprecedented number of letters to the editors which in some newspapers took on the appearance of a lively debate. Nor did they leave any one in doubt as to where they stood. They stated their editorial positions early in the campaign and repeated their views more vigorously as the campaign wore on and came to a dramatic finish. For repeal were the *News*, *Mirror*, *Journal-American*, *Times*, *World Telegram*, and *Sun*; while the *Herald Tribune*, *Post*, *P.M.*, and *Daily Worker* urged the voters to reject the repeal proposition. In other words, city-wide newspapers with an aggregate daily circulation of 4,845,955 and a Sunday circulation of 8,347,520 urged repeal, while the daily circulation of the pro-P.R. newspapers was only 813,325 and the Sunday circulation only 979,850.

In addition, such important daily borough papers worked actively for repeal as the *Brooklyn Eagle*, the *Jamaica Long Island Press*, the *Long Island Star Journal*, and the *Staten Island Advance*; while the *Bronx Home News* took a position in favor of P.R. The weekly *Brooklyn Tablet* and *New York Catholic News*, urged repeal, while the weekly *Amsterdam News* and *New York People's Voice* opposed. Here, too, the circulation of the borough and weekly papers for repeal exceeded by far that of similar papers on the other side.

It was undoubtedly the editorial position of the *New York Times* that attracted most attention. Pro-repeal organizations made much of the support of this respected paper, while the forces on the other side devoted a great deal of attention to pointing out weaknesses in the arguments presented by the *Times* in its four editorials entitled "The Record on P.R.," published during October 27-30.¹⁵ Both sides also called attention to the changed position of the *Times* on the question. When, in 1936, New Yorkers voted for a new charter with P. R., the *Times*, in an editorial voicing "last-minute reminders," said: "If you wish to plump for a somewhat doubtful experiment with Proportional Representation in a limited field, vote 'Yes' on Question 2 Local." After the first council was elected under P.R., the *Times* "endorsed the workings of Proportional Representation and defended it against critics."¹⁶ However, in 1941 and thereafter, the *Times* began to point out the "shortcomings" of P.R., and it continued to do so until the paper announced, on April 2, 1947, its decision to support the movement for repeal.¹⁷

¹⁵ In particular, mention should be made of the reply by the *New York Herald Tribune* on Oct. 28, 1947, and by Samuel Seabury in the *New York Times*, Nov. 1, 1947.

¹⁶ *New York Times*, Oct. 27, 1947.

¹⁷ Among other important New York City newspapers which changed their

TABLE I
VOTER STRENGTH AND REPRESENTATION BY PARTIES*

	1937			1939			1941			1943			1945		
	No. Seats	% Votes	% Seats	No. Seats	% Votes	% Seats	No. Seats	% Votes	% Seats	No. Seats	% Votes	% Seats	No. Seats	% Votes	% Seats
Democratic	13	50.0	47.0	14	66.5	65.5	17	65.5	64.0	10	59.0	53.0	14	60.0	59.0
Republican	3	11.5	8.5	2	9.5	8.0	2	7.5	6.5	3	17.0	22.0	3	13.0	15.0
Insurgent Democratic	2	8.0	7.0	1	5.0	4.0	—	—	—	—	—	—	—	—	—
American Labor	5	19.0	21.0	2	9.5	11.5	3	11.5	11.5	2	12.0	11.0	2	9.0	10.0
Fusion	3	11.5	10.5	2	9.5	11.0	3	11.5	12.5	—	—	—	—	—	—
Liberal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Communist	—	—	2.5	—	—	—	1	4.0	5.5	2	12.0	14.0	2	9.0	7.0
Other	—	—	3.5	—	—	—	—	—	—	—	—	—	—	—	9.0
Total	26			21			26			17			23		

* The figures used in the third column for each election represent the votes cast for persons on the deciding count, i.e., after the elimination of hopeless candidates and the transfer of their votes.

There is no doubt that the one issue above all others responsible for the repeal of P.R. in 1947 was Communism. At the last three councilmanic elections, when one or two Communists were elected to the city council, American-Soviet relations were friendly. (See Table I.) After the war, anti-Communist sentiment became very vocal; and the advocates of repeal repeatedly made the erroneous statement during the campaign that nowhere else in the United States were Communists honored by elective public office.¹⁸ In fact, they looked abroad and charged P.R. with bringing dictators to Germany and Italy.¹⁹ The friends of P.R. were quick to reply that stable and civilized nations—Ireland, Switzerland, Belgium, the Netherlands, Norway, Sweden, and Denmark—operated under P.R. for the last quarter-century or more with the exception of the period of German occupation in some of them.²⁰

The presence of two Communists in the council in 1947 was submitted again and again by opponents of P.R. as evidence that the system resulted

editorial position on the question between 1936 and 1947 were the *Daily News*, which supported P. R. in 1936; the *Post*, which urged repeal in 1945; and the *World Telegram*, a Scripps-Howard paper which supported P. R. for New York before 1947. The Scripps-Howard paper in Cincinnati, the *Post*, continues to support P. R. for that city. Special mention should be made of the *Herald Tribune's* consistent and vigorous support of P. R. on an intelligently high plane throughout the ten-year experiment, culminating in 1947 in large coverage of news, special features, editorials, and letters to the editor. "The Clubhouse Vote Sees Victory," by Murray Snyder, in the *Herald Tribune* (Oct. 21, 1947), and Amos Landman's article with illustrations entitled "New Yorkers Face Vote on P. R.," in *P. M.* (June 19, 1947) should be noted as first-rate.

¹⁸ Cf. Citizens Committee for the Repeal of P. R., *P. R. Exposed* (1947), p. 6. The election of Communists to local offices in several Midwestern states between 1931 and 1934 can be cited. During the campaign, Herbert Pell, former congressman and minister to Portugal and Hungary, advanced the argument in his plea for continuance of P. R. that the fact that Communists under P. R. can elect some of their own candidates should keep them from boring within the major parties, as did Wayne Wheeler, leader of the Anti-Saloon League, with such great success. Cf. "P. R. and the Communists" (mimeo, 1947).

¹⁹ See Mr. Curran's statement above, p. 1128. The advocates of repeal leaned heavily upon the writings and support of Professor Ferdinand A. Hermens, long a critic of P. R. See his *Democracy or Anarchy; A Study of Proportional Representation* (Notre Dame, University of Notre Dame, 1941), and *Democracy and Proportional Representation* (Public Policy Pamphlet, No. 31, University of Chicago Press, 1940).

²⁰ The debate on P. R. in foreign countries continued into 1948, when Richard S. Childs, chairman of the Citizens Union, pointed out that in the Italian parliamentary elections of April 19, 1948, a single party, the Christian Democrats, secured a majority of seats under P. R. Professor Hermens, in reply, noted that the Christian Democrats received 53 per cent of the seats with 48 per cent of the vote, and that Italian voters, because of fear of Communism, have given Italy only a temporary truce. *New York Times*, May 3 and 12, 1948.

in over-representation for minorities. Some candidly denied the premise that an election arrangement giving representation to minorities was either sound or desirable; and this resulted in debate over minority representation and its relationship to democracy. It was argued that P.R. everywhere was subversive of the two-party system and gave a "lion's roar to irresponsible fleas," magnifying "out of all legitimate or decent proportion voices belonging to the tiniest fractions of our people."²¹ Defenders of the system replied that it was sound democracy to permit minority representation, and that no group received more seats in the council than the number to which it was entitled in terms of popular support.

Many opponents admitted the theoretical merit of P.R., but maintained that its operation in New York City failed to produce a council in which representation was in close accord with voting strength. The *New York Times* asserted editorially that P. R. "failed to produce a city council that fairly represented the people, notably so in the LaGuardia régime when Fusion was in control of the city administration but Tammany continued to dominate the council."²² The *Times* argued that LaGuardia's overwhelming victory in 1937 would have placed a majority of Fusionists in the council had the electoral system reflected popular sentiment.²³

This is hardly borne out by the facts, since 908,123 votes in the deciding count were cast for organization Democrats and the insurgent Democrats in Queens who joined forces with the regulars soon after the election, resulting in the election of 15, while the 771,497 votes cast for Fusionists running under diverse labels elected 11. P.R. would have been disproportionate had the Democrats not remained in control of the council. At the same election, the Democrats elected from New York City 50 out of 62 state assemblymen (80 per cent of the seats with 49 per cent of the total vote) and 60 out of 69 delegates to the constitutional convention. These figures illustrate what might have happened in the council election if the new charter had contained no provisions for proportional representation.

Opponents cited examples to show that "proportional representation is not proportional," such as the following from the first P.R. election in Brooklyn:

²¹ Letter of the chairman of the Young Democrats of New York in *New York Times*, Aug. 25, 1947.

²² Oct. 27, 1947.

²³ The *New York Times* and other proponents of repeal used a statement made by Mayor LaGuardia in 1938 that if there had been no P. R. in 1937 he could have won an overwhelming majority in the council. See strong endorsement of P. R. by LaGuardia in 1940 in the *National Municipal Review*, Vol. 29 (Apr., 1940), pp. 274-5.

<i>Party</i>	<i>First Choice Votes</i>	<i>Seats in Proportion to First Choice Votes</i>	<i>Results Under P.R.</i>
Democrats	220,600	3	5
Republicans	62,847	1	1
American Labor	94,411	1	2
City Fusion	81,268	1	1
Others (Independents, Socialists, and Communists)	240,015	3	0

Such statistics are misleading, however, since a large portion of the "other" candidates were known Democrats who failed to receive their

TABLE II
FIRST AND FINAL CHOICE VOTES AND REPRESENTATION
IN COUNCIL IN TWO ELECTIONS

1937			
<i>Parties</i>	<i>First Choice Votes</i>	<i>Votes on Deciding Count</i>	<i>Councilmen Elected</i>
	%	%	%
Democratic	31	47	50
American Labor	12	21	19
City Fusion	11	10.5	11.5
Republican	9	8.5	11.5
Insurgent Democratic*	5	7	8
Communist	4	2.5	—
Others**	28	3.5	—
1945			
Democratic	45	59	60
Republican	18	15	13
American Labor	11	10	9
Liberal	9	7	9
Communist	7	9	9
Others**	11	—	—

* The Insurgent Democrats in 1937 were members of the Roe faction in Queens, not supported by the regular Democratic organization.

** Unattached independent groups (including the small Socialist group). These groups polled a creditable first choice total but, because they were not a cohesive group, no one of them profited enough either on first or transferred votes to win a seat.

party's official designation. As was to be expected, a large part of their votes transferred to the regular Democratic candidates as they were defeated. The "other" candidates were not a united group, and as the candidates so listed were defeated one by one their votes were given effect in helping to elect other choices of the same voters. The result was strictly in proportion to the preferences expressed by the voters among the candidates who turned out to have a chance of election. In Table II, the transfers for two elections are shown. It will be noted that there is in most instances a close correspondence between final votes and representation.

Advocates of repeal made considerable use of a letter from Professor Hermens which was published in many newspapers and asserting that proportional representation dispenses with the "process of integration" and results in "fragmentation."²⁴ Complete proportionality could be achieved only, he stated, by a single city-wide constituency instead of five borough constituencies. He noted that some observers predicted, if this were followed, the election of a Christian Front candidate, resulting in a contest between the right and left on the council which would drive out the moderates, causing fragmentation. Professor Hermens, however, made no charge that this had happened in New York and, indeed, made practically no detailed attack on its results there.

The charge that P.R. resulted in fragmentation or coalition government in New York, or that it failed on a city-wide basis to result in proportionality could not be substantiated by the evidence. The relationship between votes on the deciding count and representation in the council is shown in Table I above. It may be noted that in every election there was a close relationship between voting strength and success at the polls. From the beginning, the Democrats under P.R. received an absolute majority, but at the same time did not enjoy a near monopoly, as was the case under the aldermanic system. In the last aldermanic election (1935), the Democrats with 66.5 per cent of the popular vote captured 95.3 per cent of the seats. In 1931, the situation was even worse, with a board composition of 64 Democrats and one Republican. Succinctly, P.R. resulted in mitigating the disproportionate strength of the Democrats, but at the same time preserved majority rule; the opposition in the council became larger and more varied, resulting in much better balanced councils.

For the independent Republicans and Democrats, P.R. proved a real benefit; for it permitted a number of them, by drawing strength from insurgents and independents throughout a borough, to be elected. Some of the most able councilmen, moreover, were non-organization Democrats and Republicans, notably Genevieve Earle and Stanley Isaacs, who undoubtedly would never have won the primary in a single-member district

²⁴ *New York Times*, Oct. 22, 1947. For other recent letters of Professor Hermens on P. R., see the *Times*, Feb. 1, 1946, July 21, 1947, and May 12, 1948.

because of opposition of the district machine. It was not too well known, but one of the most important reasons why the party organizations repeatedly fought P.R. was that it deprived them of control over nominations. In fighting to retain P.R., the insurgents and independents within the major parties provided vigorous leadership; for they realized that a return to the single-member-district plan meant a much greater chance of machine control over nomination and election.

There is general agreement that the average ability of P.R. councilmen was higher than that of the board of aldermen during its last years. As the Commerce and Industry Association of New York pointed out, the board members were frequently absent from important committee meetings, engaged in little debate, and often rubber-stamped legislation of the leaders.²⁵ In contrast, P.R. council meetings were well attended and discussion both in committee meetings and in the council vigorous.

During the campaign of 1947, special pleas were made to win the support of veterans for repeal of P.R. Such veteran organizations as the county branches of the American Legion, Veterans of Foreign Wars, Disabled American War Veterans, and Catholic War Veterans joined in supporting the \$400,000,000 soldier-bonus amendment which was before the voters along with the proposal to repeal P.R. The veteran organizations stressed the Communist argument in their pleas for repeal of P.R.²⁶ Furthermore, these veteran organizations, as well as the chairman of the Committee for the Repeal of P.R., pointed out that the Citizens Union and the League of Women Voters, two of the most influential non-partisan groups working for the retention of P.R., were opposed to the soldiers' bonus. That the *Herald Tribune* considered the charge gravely can be seen from its editorial, "Is It In the Bag?":

"The Citizens Union, one of the strongest of P.R.'s defenders, has been foolish enough to oppose the veterans' bonus. To the professionals, this is a fatal mistake—not because the two issues are in any way connected (they are not), but because it is believed that much of the heavy registration comes from veterans anxious to vote the bonus amendment. To the clubhouses it is inconceivable that the veterans might distinguish between the Citizens Union stand on the two questions. Plainly, P.R. is done for. It's in the bag. And on the assumption that the voters of New York are a bleating mass of sheep, incapable of grasping the simplest facts of government, swayed by all the old standard political tricks, no doubt it would be."²⁷

²⁵ See the Association's *Report Concerning Election of the New York City Council by Proportional Representation* (mimeo., 1947), pp. 18–19. Attention should be called to the nineteen-page mimeographed *Examination and Refutation* of this report by the Citizens Committee to Repeal P.R.

²⁶ The American Veterans Committee opposed the bonus and the repeal of P. R. The Jewish War Veterans favored the bonus, but took no position on P. R.

²⁷ Oct. 21, 1947. The vote in favor of the bonus was 1,209,689; opposed, 388,748. The vote to repeal P. R. was 935,222; to retain it, 586,170.

In Harlem, where most of Manhattan's Negroes live, there was unusual activity to save P.R. The *Amsterdam News*, a Harlem weekly paper, strongly supported retention. The Harlem Citizens Committee in Support of Proportional Representation was organized and hailed P.R. for

"freeing Harlem from the ghetto system. . . . The electorate of Harlem . . . became part of the borough's progressive electorate and sent to the council men like Adam C. Powell, Stanley Isaacs, Eugene Connolly, and Benjamin J. Davis, Jr. . . . Neighborhood unknowns, if P. R. is abolished, would be the councilmanic candidates. . . . If P. R. is repealed, there will not be a single Negro in the Council. True, a Negro clubhouse leader may have the privilege of 'naming' the councilmanic candidate, but that leaves the people out in the cold. The Negro clubhouse man would have to name a candidate acceptable to the bosses downtown. And since we have experienced the 'racial considerations' of Tammany, we know that the chances of a Negro being named from any of the senatorial districts are small indeed. . . ." ²⁸

It should be noted, too, that the Republican Club in Harlem's 11th Assembly District did not go along with the county Republican organization in its anti-P.R. stand. Dr. Chandos Maxey, the Republican Club leader, stated: ". . . Everybody knows that Harlem has never been able to elect any Negro to any office along senatorial lines. These misguided political leaders say their aim is to keep Ben Davis and the Communists out of the city council. We think the effect will be to keep Ben Davis and all other Negroes out of the City Council." ²⁹

In view of the emphasis placed upon Communism, the proponents of P.R. cited church sources to refute the argument. Rev. Gordon C. Graham, an Episcopalian, pointed out that proportional representation had been used to elect officers of his church and concluded that "it would seem to Episcopalians that the charge of Communism brought against the principles of P.R. is both absurd and untrue." ³⁰ Gabriel L. Kaplan, counsel to the Keep P.R. Committee, stated that P.R. has the approval of prominent leaders in all the major churches, Catholic, Protestant, and Jewish, and specifically quoted the *Catholic Telegraph Register*, official newspaper of the archdiocese of Cincinnati, as having said:

"There is nothing in the P. R. system that is against the Christian position. The totalitarians' strategy in Europe and the tyrannous fascist machinations, which

²⁸ *Amsterdam News*, Nov. 1, 1947. Adam C. Powell and Benjamin J. Davis, Jr., are Negroes.

²⁹ *Daily Worker*, Oct. 27, 1947. In only two of the 16 assembly districts in Manhattan (New York county) did the vote to continue P. R. exceed the repeal vote; and one was Harlem's 11th Assembly District. The New York Joint Executive Council of the National Association for the Advancement of Colored People threw its support behind the campaign to retain P. R. as the "best method through which minority groups can be assured of satisfactory leadership and representation in the city council." *New York Times*, Oct. 19, 1947.

³⁰ *New York Herald Tribune*, Oct. 20, 1947. Rev. Robert W. Searle, executive secretary of the Human Relations Commission of the Protestant Council of New York, announced that the commission was in favor of P. R.

enslaved and are enslaving many puppet states in their system of voting, have no application to our condition here. Our P.R. system is an entirely Anglo-American product, not used in Continental Europe at all. It was developed and has been used and is being used in England, Ireland, and the United States. It gives the voters an opportunity to select not only the party they want to support, but also the order of preference of the candidates representing the party. It is therefore truly democratic in character."³¹

Father John A. Ryan's comment on proportional representation in Cleveland was presented to the voters of New York, to the effect that:

"P. R. is the fairest method of electing officials that has yet been devised, for it enables every minority, indeed every voter, to exercise some influence in the choice of officials. Particularly surprising will it be if the wage-earner or the groups that suffer from racial or religious intolerance shall be misled into voting away advantages that they can enjoy under proportional representation."³²

The *New York Catholic News* was quick to reply that the Catholic Church had taken no position on proportional representation and that Catholics, clerical and lay, had expressed differing views on it. This journal went on to say:

"It is not a matter of principle, but of policy; it is a question of deciding which method is best . . . from the standpoint of justice and efficiency under existing conditions in a given locality . . . Would he [Father Ryan] favor proportional representation today when supporters of Communism have succeeded in getting through it in New York City representation in the city council which would be warranted only if the Communist party had over a million members here?"³³

It seems unnecessary to add at this point that representation on legislative bodies is not based on the membership of parties, but on the vote cast for their candidates.

Vincent R. Impellitteri, president of the New York City Council, branded P.R. as a political device which has created

"a sounding board for utterances which are viciously contrary to basic American thinking . . . I have watched them [the Communist representatives in the city council] practice deliberate and not-so-subtle defamation of all non-Communist sympathizers. One mortifying example of this, which I can never forget, was the impertinent affront to Cardinal Spellman and the Catholic Church when these Communist councilmen cast the only votes against a resolution congratulating Cardinal Spellman on his elevation. . . ."³⁴

These appeals to racial and religious groups during the repeal campaign bring to mind a criticism constantly levelled at the system, namely, that it encouraged and resulted in ethnic voting.³⁵ In the 1939 election in the

³¹ *New York Times*, Oct. 23, 1947. The above statement was not entirely true; the system was used in electing members of the upper house of the Danish parliament.

³² *New York Times*, Oct. 23, 1947.

³³ *New York Catholic News*, Nov. 1, 1947.

³⁴ *New York Times*, Oct. 30, 1947.

³⁵ Citizens Committee to Repeal P. R., *P. R. Exposed*, pp. 7-8.

Bronx, 28 per cent of Rubenstein's (ALP candidate) votes were transferred to Cohen, a Democrat. When Soriano (Independent) was eliminated in the 1937 Brooklyn election, a considerable portion of his ballots went to Cacchione (Communist), DeLisio (Independent), DiGiovanna (Democrat), Gelo (American Labor), Isnardi (Republican), Massaro (Fusionist), Riccarda (Independent), and Scelsa (Fusionist).³⁶ Other instances were cited by critics to demonstrate ethnic voting, but the transfer of the votes of Soriano provided the most glaring illustration.

There is little question that P.R. does open a way for a racial and religious group, if it desires, to vote along such lines. This fails, however, to tell the full story. Melting-pot politics and the "balanced" ticket were a part of the aldermanic system, and were usually catered to in advance. The three city-wide offices are almost invariably constituted this way. Present incumbents, for example, include Mayor O'Dwyer, Irish from Brooklyn, Comptroller Joseph, Jewish from the Bronx, and Council President Impelleri, Italian from Manhattan. P.R. could hardly hope to change this deeply entrenched theory of balance between religions and nationalities. It has, however, because of its transfers, provided an opportunity to study ethnic voting, which is not easily done in other systems.

Definitive studies for all ethnic and religious groups are wanting, and even when available raise a question of accuracy because of the difficulty of isolating ethnic from party and other factors. When votes were transferred from Irish Catholic Democrats in large numbers (60.5 per cent) to Irish Catholic Democrats, was the major reason because they were Irish or Catholic or Democrat? One study concluded that "votes explainable only by nationality and religion ranged from 15 to 25 per cent."³⁷ Another study was made of the results of transfers among Italians in all five P.R. elections in the four large boroughs.³⁸ These figures, shown in Table III, indicate the votes transferred from Italian candidates who were defeated to Italians still in the running.

Taken by themselves, these figures indicate that approximately one-third of the transfers went according to nationality. Because, however, the figures take no cognizance of transfers according to party loyalty, they exaggerate the influence of nationality in voting. Furthermore, the voter may know well only persons of his own nationality, persons who may be most competent.

³⁶ New York State Constitutional Convention Committee, *Problems Relating to Legislative Organization and Powers* (Albany, 1938), Vol. 7, p. 271. Warren Moscow, *Politics in the Empire State* (New York, 1948), pp. 48-49.

³⁷ Doris Saltzman, *Racial and Religious Voting Under Proportional Representation as Practiced in New York City; A Case Study* (Hunter College, typewritten), pp. 65-66. This study covers the first four P. R. elections.

³⁸ There is one councilman from the fifth borough, Richmond, who is elected by a method that amounts to majority preferential voting.

TABLE III*

Transfer of Votes Cast for Italian Candidates

	<i>Manhattan</i>	<i>Bronx</i>	<i>Kings</i>	<i>Queens</i>	<i>Four Boroughs</i>
Transferred from Italians	71,876	79,127	246,097	48,000	445,100
Transferred to Italians	14,749	30,690	107,838	10,183	163,460
Per cent transferred to Italians	21	39	43	21	36

* Adapted from James A. Kelly, *An Investigation of Two Assertions Made in the Recent Campaign to Repeal P.R.* (Queens College Library, typewritten), 1947.

On the other side, considerable evidence was offered to show that religious and racial voting was of no great importance. The former president of the Municipal Civil Service Commission, Paul J. Kern, told the National Municipal League of numerous instances where political factors were many times more important than racial ones. "When a Jewish candidate, Ornstein, was counted out in Manhattan on the twelfth count," reported Mr. Kern, "Nugent, an Irish American received 3,912 of his votes and Stoute, a Negro, received 3,499, while Isaacs and Straus, two eminent candidates of the Jewish faith, received only 1,431 and 2,161 respectively."³⁹ Although the Protestant population of the city is estimated at 46 per cent, only 21 per cent of the council seats went to members of that faith during the P.R. elections. In contrast, Catholic councilmen numbered 53 per cent, although Catholics comprise only about 22 per cent of the population; the ratio of Jews on the council and in the city was almost equal. The 6 per cent Negro population may be compared with the 2.5 per cent of council positions occupied by Negroes. It is clear that the extent of racial and religious voting is still somewhat of an unknown quantity, with both sides able to cite statistics in support of their respective views.

Observation of transfers yields an impressive preponderance of evidence that in P.R. elections ethnic and religious factors were secondary in importance to party. Indeed, party remained the most important determinant in vote transfers. In 1945, when Rita Casey, a Democrat, was defeated, 24,146 of her votes on transfers went to non-Irish Democrats, 10,341 to Irish Democrats, and 5,761 to non-Democrats who were not Irish.⁴⁰ Miss Saltzman found that in the first four elections, over 80 per cent of the votes conveyed from Democrats went to fellow-party members.⁴¹ Vote transfers

³⁹ *National Municipal Review*, Vol. 30 (Dec., 1941), p. 736.

⁴⁰ *P. M.*, June 19, 1947. The same issue contains several valuable diagrams illustrative of party, racial, and religious transfers. Approximately 85 per cent of Mrs. Casey's votes were transferred to fellow-Democrats.

⁴¹ *Op. cit.*, pp. 33 and 39.

from candidates endorsed by the Democratic organization, moreover, showed less crossing of political boundaries than from those Democrats who ran without organization endorsement. Republican transfers were not reduced to figures, but spot checks showed less discipline. Thousands of figures and data remain to be analyzed in terms of correlations between party affiliations, nationality, and religious faith. When this is done, knowledge of voting habits will be substantially enriched. The first studies indicate that many politicians exaggerate the extent of ethnic voting.

Both before and after the adoption of proportional representation, party regulars insisted that the system was too difficult to comprehend and argued that it resulted not only in alphabetical voting, but also in a great wastage of ballots. One Democratic leader in New York stated: "We know that many voters haven't the slightest information regarding candidates on a P.R. ballot. We know that many voters are discouraged from even casting a ballot by the confusion inherent in a P.R. ballot. Apathy breeds well in such circumstances."⁴² Opponents also argued that there would be an excessive number of candidates—a claim borne out in the first election, when there were 232 in the city as a whole and 99 in Brooklyn alone. Proponents were correct in their contention that as people became aware that it was not easy to win in the new system, the number of candidates would decline. The number successively dropped until there were a total of 65 nominees in 1943, though 96 in 1945. In the last three P.R. elections, the ratio of candidates to councilmen elected averaged about four to one, as compared to three to one for each state senatorial seat in 1944.⁴³

As expected, there were some instances of alphabetical voting. In an early election in Brooklyn, when Brodsky (a Jewish Independent) was defeated, a number of his transfers went to Buchler (a Jewish Independent), Butler (a colored City Fusionist), Cacchione (Italian Communist), and Cashmore (a Protestant Democrat), who followed him on the ballot.⁴⁴ The problem of the ignorant citizen who votes according to first or prominent location on the ballot is evident in other forms of nomination and election and is not peculiar to P.R. It was partly solved in New York City, as it is in some primary elections elsewhere, by rotation of names on the ballot.

On the matter of wastage of ballots, friends of P.R. admitted that a larger number of invalid ballots were cast than was anticipated; and the percentage remained higher in New York City than in other cities using the system. The percentage of invalid ballots is shown in Table IV. These figures provide an interesting insight into the relative degree of political literacy in the different boroughs. Even in the face of large numbers of

⁴² Letter from the chairman of the New York State Young Democrats to the *New York Times*, Aug. 25, 1947.

⁴³ Only 2,000 signatures are required for nomination.

⁴⁴ New York State Constitutional Convention Committee, Vol. 7, p. 272.

spoiled ballots, the Commerce and Industry Association pointed out that "the total number of voters compares very favorably with the total number who voted for aldermen."⁴⁵

TABLE IV
PERCENTAGE OF INVALID BALLOTS*

	1937	1939	1941	1943	1945
Manhattan	10.6	11.0	13.7	13.4	13.2
Brooklyn	9.7	12.5	14.4	13.1	12.2
Bronx	8.8	9.2	11.5	11.4	10.3
Queens	8.7	7.3	10.1	10.5	8.8
Richmond	5.3	1.7	1.5	2.6	5.4
City Average	9.5	11.2	12.6	12.6	11.3

* Figures taken from the report of the Commerce and Industry Association (cited above), p. 8. The Citizens Committee for Repeal of P.R. held that the percentage of *blank* and void ballots against total vote cast was: for 1937—12.3 per cent, 1939—12.4 per cent, 1941—16.0 per cent, 1943—14.4 per cent, 1945—14.1 per cent.

The votes cast for aldermen in 1933 were 12 per cent fewer than for mayor, while in the first P.R. election nine per cent of those voting for mayor failed to cast a valid ballot for councilman. However, in 1941, the vote for councilman was 14.7 per cent less than the vote cast for mayor; in 1945 it was 11.7 per cent less.

In answering the charge of wasted ballots, Dr. George H. Hallett, Jr., has used a comparison of "effective" votes cast under the two types of elections. By an "effective" vote is meant a ballot cast for a winner, which, under P.R. would be a combination of first and transferred choices used to elect someone. Wasted ballots are those cast for a losing candidate. The results of the last five aldermanic and the five P.R. elections in these terms are shown in Table V. Under this analysis, the effective vote was substantially larger under P.R. than under the plurality, single-member-district system. The percentages with reference to P.R. effective votes actually underestimate the record, because the requirement of the charter that the ballots previously credited to the last candidate defeated in each borough be distributed as between the elected candidates was seldom carried out in the borough count.

In summary on popular interest and participation, the charge that the system would or did result in apathy was not borne out. In some elections, the number of marked ballots for councilman exceeded those cast for borough president or comptroller. In a few instances in certain boroughs, more people actually marked their P.R. ballots than voted for mayor.⁴⁶ Table VI shows electoral participation in municipal elections before and

⁴⁵ *Op. cit.*, p. 9.

⁴⁶ *National Municipal Review*, Vol. 27 (Jan., 1938), p. 54; Vol. 30 (Dec., 1941), p. 734; Vol. 35 (Jan., 1946), p. 47.

after the adoption of proportional representation. On the whole, the record shows that the electorate used P.R., and that the system did not discourage the voters from participating in councilmanic elections.

The campaign that resulted in the repeal of P.R. in New York, after a trial of ten years, was one of the most dramatic ever waged over an issue that did not involve the election of candidates for public office. A signif-

TABLE V*

PERCENTAGE OF EFFECTIVE VOTES UNDER ALDERMANIC AND P.R. ELECTIONS

<i>Election</i>	<i>% Effective</i>	<i>% Cast for Losers</i>	<i>Total Valid Votes</i>
Aldermen, 1927	63	37	1,092,536
Aldermen, 1929	63	37	1,353,720
Aldermen, 1931	65	35	1,309,294
Aldermen, 1933	55	45	1,894,810
Aldermen, 1935	67	33	1,712,071
P.R. Council, 1937	80	20	2,013,101
P.R. Council, 1939	78	22	1,607,105
P.R. Council, 1941	83	17	1,928,968
P.R. Council, 1943	74	26	1,304,689
P.R. Council, 1945	81	19	1,693,043

* Figures adapted from the report of the Commerce and Industry Association, p. 13, and from George H. Hallett, Jr., "New York's First Use of P.R.—A Study in Contrast," *National Municipal Review*, Vol. 27 (Jan., 1938), p. 54.

icant feature of it was the scores of debates and forums held throughout the city under the auspices of local civic, veteran, and business organizations. The radio carried many debates over important stations;⁴⁷ in addition, there were neighborhood rallies, distribution of literature, and ringing of doorbells. "The battle over proportional representation gained momentum today as thousands of the city's voters found their mailboxes stuffed with vigorous arguments for and against the present method of electing city councilmen. The mailed broadsides appeared as a follow-up to the thousands of pro and con posters which have been pasted on walls throughout the city in the last few days."⁴⁸ It was reported that 25,000 copies of the pamphlet, *P.R. Exposed*, were distributed at a Tammany meeting.⁴⁹ The campaign literature made much of such slogans as "P.R.

⁴⁷ For example, "P.R.—Is it Good Or Bad?," between O. Reichler, editor of the Yonkers *Herald Statesman*, and F. A. Hermens over CBS on Oct. 23, 1947. Yonkers, an important industrial city adjoining New York, used P.R. for council elections after 1939; but at the election of November 2, 1948, the voters repealed the city charter's provision on the subject.

⁴⁸ *New York Sun*, Oct. 22, 1947.

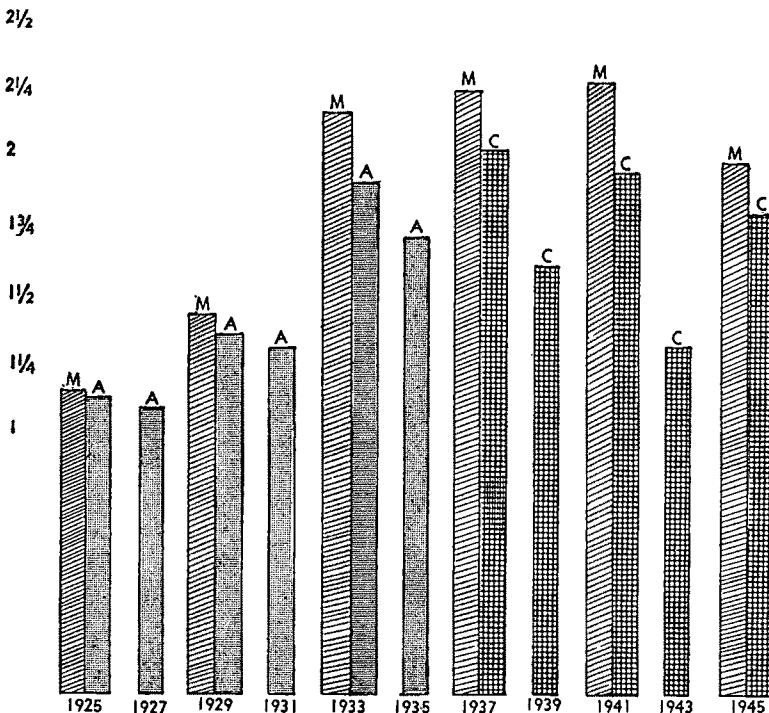
⁴⁹ *New York Times*, Oct. 24, 1947. In addition to references already cited, the following should be noted: George H. Hallett, Jr., *Real Majority Rule* (1936), published by the Citizens Union; *A Primer on Proportional Representation and Charter*

Means People's Rule;" "Hold that Tiger"; and "P.R. Means Preposterous Representation" or "Poor Representation."

It is, of course, difficult to estimate the amount of money spent on this repeal campaign. There is no doubt that the largest sums were spent by

TABLE VI
VALID VOTES CAST IN MUNICIPAL ELECTIONS
(IN MILLIONS)

M—Mayoralty
A—Aldermanic
C—Councilmanic



the pro repeal forces, particularly by the Democratic and Republican organizations. The Citizens Committee to Repeal P.R., with a budget of \$33,000, was entirely financed by the Democratic county organizations. The Keep Proportional Representation Committee was hard pressed for funds, and with a total budget of \$4,013—contributions coming largely from individuals—was able to distribute only 100,000 copies of its most

Revision (1936), Women's City Club of New York; *Proportional Representation* (1937), Municipal Civil Service Commission; *Proportional Representation for New York City* (1937), Merchants' Association of New York; Louis Cohen, *P.R. Unmasked* (1940); George H. Hallett, Jr., *Proportional Representation* (1940), published by the National Municipal League; and *Proportional Representation* (1947), Chamber of Commerce of the State of New York.

important four-page leaflet, "*Danger*." The C.I.O. unions and the Liberal, American Labor, and Communist parties had more funds at their disposal. In one way, this may have been unfortunate, since it left the impression that the campaign to retain P.R. was a left-wing movement.⁵⁰ Despite earlier successes, the proponents of P.R. faced a situation in 1947 that was well-nigh impossible to overcome. The advocates of repeal presented the issue to the voters at a time when anti-Soviet and anti-Communist feelings ran high. On the voting machine the repeal proposal followed three popular housing questions. A "yes" vote was required to repeal P.R. and to approve the housing proposals. The somewhat involved wording of the P.R. proposal must have been confusing to both sides.

The advocates of P.R. could have benefited from the services of at least one colorful political leader like LaGuardia or O'Dwyer as a cohesive agent for their forces. The "Tiger-taming exploits" of Samuel Seabury did not have the same appeal for the voters of 1947 that they had in 1933 or 1937. However, while it is true that Robert Moses, an advocate of repeal, was highly respected, the friends of P.R. probably had more prominent citizens among their active supporters than did the "repealers." The Keep P.R. Committee represented the middle point of view held by most civic organizations. It may have been embarrassed by the political parties left of center, who, while putting forth great effort to keep P.R., were nevertheless also interested in rivalling one another for the voters' support. Two influential pro-P.R. civic groups opposed the soldiers' bonus. This enabled the repeal organizations to say to veteran groups: "Here are the great friends of P.R.—are they your friends?" A post-mortem diagnosis would indicate perhaps that P.R. defenders should have exploited more effectively the charges of "fraud-saturated" petitions which put the proposition on the ballot, and should have demanded more effective handling of the charges that some signatures were gathered illegally at polling places by election inspectors. As many as 139,316 petition signatures were finally filed, well above the legal minimum of 50,000. However, the P.R. forces did stress the fact that many signatures were secured in Democratic and Republican clubhouses and at the primary polling places, thus closely associating the "political machines" with the repeal movement.⁵¹

⁵⁰ *New York Times*, Oct. 27, 1947. For the conduct of the first election, the city spent \$701,623. This huge sum was due, undoubtedly, to unfamiliarity of the election authorities with the new system and the dilatory tactics employed by temporary workers who were paid by the day. In subsequent elections, the cost to the city was about \$250,000 each, making a total of \$1,663,292 for the five elections, over and above the regular expenses of elections.

⁵¹ John J. Lamula, campaign manager of the Keep P. R. Committee, charged that 76 per cent of the repeal petitions were circulated by Democratic party workers. *New York Times*, Sept. 29, 1947. See *Herald Tribune*, Oct. 21, 1947, and *P.M.*, Oct. 2, 1947, for evidence showing similarity in handwriting of whole batches of signatures.

Before P.R. was in use two years, George McCaffrey wrote in this *Review*: "The New York City experiment with proportional representation has thus justified the claims of its advocates that the system is not too difficult for the electorate of even such a polyglot city as New York to operate successfully; that it would give fair numerical representation to each of the five boroughs; and that it would give representation in proportion to strength to any voting group" ⁵² After a review of all five elections and councils, the authors find themselves in agreement with McCaffrey's conclusion. The new plan replacing P.R. in 1949 will be an improvement over the old aldermanic system in that the council will be smaller—25 as against 65. Electoral units, moreover, will be the fairly recently apportioned state senatorial districts. There is little reason to believe, however, that the new system will avert an overwhelming dominance by the Democratic party. This could be averted only by barter and deals between parties such as have very often characterized the single-member-district system in New York elections.

Civic and minor party leaders are already planning to bring the question of revival of proportional representation before the voters. There is difference of opinion, however, on the most propitious time to launch such a movement. Many if not most pro-P.R. leaders believe that no action should be taken until at least one council has been elected under the new plan. The American Labor party started circulating petitions to put the question on the ballot in 1948, but thought better of it. Surely, the climate of public opinion on the question of Communism is an important timing factor.

If and when proportional representation is again adopted, various improvements might be made. There have been, for example, certain psychological objections to the fixed quota of 75,000 valid votes per councilman. ⁵³ These could be overcome by apportioning councilmen in each borough on the basis of registration rather than according to valid votes. Voters then would know in advance the number to be elected from their borough; and the electoral quota would be established on the basis of valid votes, similar to the practice in other P.R. cities. It is possible, too, that this change in the quota system would result in a slightly more accurate reflection of popular sentiment.

With the extension of the term of council members from two to four years in 1945, a more representative method of filling vacancies seems advisable. Instead of filling them at the next general election by the usual plurality method, a preferential recount of the ballots of the voters who were left without representation by the vacancy might be substituted. The cities of Massachusetts using P.R. follow this practice.

Nominating procedure could be improved by changing the state pro-

⁵² Vol. 33 (Oct., 1939), p. 852.

⁵³ In all five elections, only one candidate, James A. Burke, Democrat of Queens, received the full quota of 75,000 *first* choice votes (in 1939).

vision which now requires that each page of a petition include an affidavit, and that the circulator swear that he knows all of the signees on the page. Whenever a mistake is made, the whole page now has to be notarized again, or may be thrown out. This provision has resulted in an unnecessary amount of litigation and loss of otherwise good signatures. It would be better practice to dispense with the affidavits and merely require all signatures to be affixed in the presence of the circulator. Statements of both signees and circulators would, of course, remain subject to the law of perjury.

Finally, a better job of education in the principles of P.R. and in the mechanics of voting would result not only in fewer invalid ballots, but also in meeting many fallacious arguments against the system. Such a campaign should be carried on by the schools, the press, the parties, and civic organizations. The press was much more helpful in the early days of P.R. than later in informing the voter about the electoral process. Such information might show that "bullet voting", or merely marking one choice, does not, contrary to many allegations, result in giving minor parties more representation. A ballot of this type does not help the voter's favorite candidate any more than a ballot marked with many choices; and if the favorite candidate is defeated, the ballot is wasted. The virtues of automatic reapportionment and its advantages to rapidly growing boroughs such as the Bronx and Queens deserve more stress. (See Table VII.)⁵⁴ Believers in P.R. should use its workings in New York to show that it provided a valuable check on municipal administration and forced higher-caliber candidates on both the majority and minority political organizations.

TABLE VII
BOROUGH REPRESENTATION IN NEW YORK CITY*

<i>Borough</i>	<i>Valid Votes for Council, 1937</i>	<i>Elected by P. R.</i>	<i>Members in Preceding Board of Aldermen</i>
Bronx	402,413 (20%)	5 (19%)	8 (12%)
Brooklyn	699,191 (34%)	9 (35%)	24 (37%)
Manhattan	497,369 (25%)	6 (23%)	24 (37%)
Queens	354,839 (15%)	5 (19%)	6 (9%)
Richmond	59,289 (3%)	1 (4%)	3 (5%)
Total	2,013,101	26	65

* From Report of the New York State Constitutional Convention Committee, (1938), Vol. 7, p. 250.

⁵⁴ In 1946, only three years after the last reapportionment in New York State, the largest senatorial district (4th Queens) had twice as many voters as the smallest (9th Kings) except for the special case of Richmond. Prior to 1943, the last reapportionment had occurred in 1917.

POST-WAR POLITICS IN JAPAN, II*

IV. UNDERGROUND POLITICS IN POST-WAR JAPAN¹

HARRY EMERSON WILDES

Formerly of Government Section, SCAP

Party Organization Undemocratic. Outwardly, Japan is governed by political parties working for democracy through parliamentary action. The presence of four major parties, plus some 1,250 other political groups officially recognized by the nine-member Election Management Commission, offers what appears to be corroborative evidence that Japan follows the line of Western political development.

In practice, this is sheer illusion. The 1,250 parties seem bewilderingly numerous, yet no one but the American is in the least confused. All Japanese realize that the so-called parties are, in reality, nothing more than local subdivisions of major groups, together with a swarm of wholly unimportant minor factions made up of irresponsibles with no actual following. An Oriental will form a group, dignified by a high title, at the drop of a hat. Because the law requires it, and because it satisfies his vanity, the Japanese will register his association (although actually composed of himself, his brother-in-law, and his next door neighbor) as a political party; as such, it will appear on the record as one of the 1,250 organizations. As a matter of fact, it may, and probably will, split into fragments and even disappear before the registrant has returned home; but since no procedure is provided for the erasure of a name from the list, the total snowballs into astronomical figures.²

A greater evil than mere numbers lies in the basically undemocratic character of all political parties. Japan sincerely desires democracy, but because she does not know, and is not told, how to develop it, her efforts

* Completing a symposium arranged by Harold S. Quigley and begun in the preceding issue.

¹ Nothing contained in this article is to be construed as in any sense an official statement, either of fact or of opinion, either by the Supreme Commander for the Allied Powers (SCAP) or by any agency or individual in the SCAP organization. All opinions expressed are those of the author, a former member of SCAP's Government Section, and author of *Social Currents in Japan*, *Japan in Crisis*, and *Aliens in the East*. All data not otherwise credited have been collected by the author through personal, and in most instances private, interviews with the individuals concerned.

² Japan has 1,250 officially recognized "parties," but if the same procedure existed in the United States of registering each local club as a separate unit, the 3,000 American counties, to say nothing of the city, town, and village organizations, would roll up a staggering total. One division club for one party only in the author's home town would yield more "parties" than are registered in all Japan. Judged by this yardstick, Japan is actually under-supplied rather than over-supplied with parties.

are often fruitless. No Japanese party allows the individual voter even the faintest voice in the determination of party policies, the choice of party officers, or the selection of candidates. No party permits self-determination for its branches; all their actions are subject to review by Tokyo headquarters. If local units do not initiate actions desired by Tokyo, the central party leaders hold the right to dictate policy, to impose candidates, and to force contributions—all this under penalty of expulsion if the interference is resented or resisted. No party member in the Diet and no party executive may deviate from the party line; those refusing to follow orders issued by a boss, whom the Diet member or the executive may or may not have helped select, lose their party privileges.³

Although at frequent intervals parties as varied as the Democrats, the Coöperatives, the Liberals, and the Socialists pledge their firm determination immediately to install democratic management, little has been done and nothing more seems imminent. A party member is not a voter who has cast, or who may cast, a ballot for the party; he is, instead, formally proposed and seconded by men who stand responsible for him; after close inspection of his career and of that vague intangible which the Japanese call character, he is solemnly admitted to an exclusive club. Usually he is, or has been, a Diet member, a local leader, or a heavy contributor to campaign funds, but none of these qualifications is essential. So small is the total number of party members that there have been instances in which the Liberals, for example, nominated more candidates in a Diet constituency than there were accepted party members in that district.⁴

Within this inner circle, a sort of board of governors, alternatively named the central executive committee or the standing committee, advises the party boss. These directors, customarily ratified by a hand-picked national convention at the dictation of the party boss, profess responsibility neither to the voters nor to the party members.⁵

Each party has a leader, who is usually an elder statesman, preferably, but not necessarily, with considerable parliamentary experience. Prime

³ In 1946, the People's Coöperative party expelled two charter members who protested against the absorption of a minor party which opposed coöperative principles. In December, 1947, the Democratic party expelled a member who absented himself from a Diet session rather than vote for nationalized control of coal mines, and 23 other members "seceded" rather than face expulsion for opposing this measure.

⁴ In Osaka, in the 1946 Diet election, the Liberals had exactly five members in the First election district, from which nine Diet members were to be chosen. This situation has since been remedied, to a large extent, but it is still true that actual party membership is but a tiny fraction of the vote cast for any party.

⁵ In very few instances is there a real contest over these elections. As Prime Minister Katayama expressed it: "We usually agree in advance and when we find out who has the strength to win we advise the opposition to wait until next time."

Minister Katayama Tetsu, the Social Democratic president, is an experienced labor lawyer who has been a Diet member for twenty years. Yoshida Shigeru, Democratic-Liberal chief, and Ashida Hitoshi, Democratic leader, are former diplomats. Since Japanese politicians have always paid far greater attention to foreign affairs than to internal problems, diplomats have been preferred candidates for party presidencies. Virtually every major party, including the Democratic-Liberals, right-wing Socialists, Democrats, and Coöperatives, has invited former Ambassador Matsudaira Tsuneo, whose daughter married the Emperor's brother, Chichibu, to head its organization, though Matsudaira has never taken an open, active rôle in politics. Professors are also welcome material; both Communists and left-wing Socialists have wooed Professor Oyama Ikuo, until recently a refugee research fellow at Northwestern University.⁶

Importance of Financial Connections. The real test of eligibility for leadership, however, is not experience, nor even skill at political machination, but, as has sometimes been true of certain American recipients of preferment, the ability to raise large sums of money. Rightly or wrongly, Yoshida is supposed to have close connections, through Ishibashi Tanzan of the Bridgestone Tyre Company, with big business interests. *Jimmin*, a left-wing newspaper, stated on January 29, 1948, that Yoshida had received further help from Terao Yutaka, former Diet member, Matsushima Kisaku, a banker and stock broker, Isumi Kenji, contractor, and Tsuchiya Kameichi, a political manipulator who had furthered the ambitions of General Ugaki Kazushige.

Yoshida is not alone in having such connections. Baron Shidehara Kijuro, former Democratic president and present seceder from the party, married an Iwasaki heiress and has long been thought able to draw upon the treasure of the far-flung Mitubishi interests. Ashida is well known to be supported by the contractor syndicate headed by Sugahara Michinari, who wants railway contracts, and by Chiizaki Usaburo, Hokkaido contractor, who seeks harbor-building concessions. Most of the other leading Japanese politicians, past or present, are reportedly backed by one or more influential friends.⁷

The rule that statesmen must be politically financed does not exclude

⁶ An excellent illustration of this concern with foreign affairs appeared early in 1948, when the Liberals and Democrats planned a merger into a new conservative party. Chief Prosecutor James B. Keenan, of the International Military Tribunal for the Far East, had praised retired General Ugaki Kazushige, former governor-general of Korea, as "a pacifist." Because of this supposed favor with SCAP, the conservative backers suggested Ugaki, a lifelong military man, a plotter of armed insurrection, and a purgee, as president of their proposed new party.

⁷ These statements may seem libellous, but each of them has been verified to the author by the contractors concerned. Both Sugahara and Chiizaki were frank in their admissions.

Socialist and labor groups. Prime Minister Katayama revealed that he has drawn funds from labor unions, including an assessment, in 1946, of a cupful of rice from each union member in his constituency; former Agriculture Minister Hirano Rikizo, another Socialist, customarily received gifts of produce from the farm organizations under his control.

Behind Yoshida, Ashida, Shidehara, and the lesser figures, the facade only, stand the real directors of party forces. These are, of course, more difficult to identify. Much wild gossip circulates about these so-called *kuromaku* (wire-pullers), whom everyone knows to exist, but whose actual participation is difficult to prove.

High among them certainly rank Hatoyama Ichiro, founder of the Liberal party, a skilful manipulator both prior to and subsequent to his purge, and Inukai Ken, another pre-war politician, also a purgee, who has been variously linked both with reactionary fascist forces and with a war-time Soviet spy ring. Hatoyama, with his devoted band of practical politicians, and Inukai, with his personal following of professional spokesmen for youth and reform, carefully obey the actual letter of SCAP directives banning them from political activity; seldom associating with nominal chiefs, they confer among themselves, dictate their recommendations to some ally not himself a party official, and have their advice passed on to men in office. While entirely evading the spirit of the law, this subterfuge is entirely legal. SCAP officials have racked their brains to find some defensible method by which such evasions may be ended.⁸

Party Funds From War Surplus. The existence of untold amounts of surplus Japanese army war goods, hidden since surrender, aggravates the problem. This is a post-war development and springs from a SCAP order of August 14, 1945, requiring immediate demobilization. Prime Minister Suzuki Kantaro, then in power, pretended that the order applied only to munitions, thus allowing wholesale pillaging of other army supplies. SCAP, by special directive of August 20, tried to halt this looting, but the Higashi-Kuni cabinet, which succeeded Suzuki, delayed action for eight days. Meanwhile, of course, vast quantities of food, clothing, and material were hauled away. Much of this fell into the hands of big business men, neighborhood bosses, speculators, and bosses backed by political parties which claimed a rake-off of the spoils. The full story is a sordid one of black-marketing, corruption, and fraud, but may be boiled down, as far as this paper is concerned, into comparatively brief statements, sworn to by the individuals concerned.

⁸ Hatoyama, Inukai, and other purgees admit having held such conferences. Hatoyama has also held frequent important conferences on party policy matters with key figures such as Yoshida and Ono Banboku, former Liberal secretary. This practice has not been legal; it led in December, 1946, to a scathing rebuke by Brigadier General Courtney Whitney, Chief of Government Section, but the conferences nevertheless continued.

1. Hara Susumu, Liberal party executive, told a party caucus in January, 1948, that he had himself received 2,000,000 yen and that the party had been promised a further 10,000,000 yen from Ogawa Heinosuke, president of the International Industrial Economy Company (*Kokusai Sangyo Keizai*) as part of the proceeds of the sale of army shoes and uniforms illegally disposed of by crooked politicians. These revelations, first reported by the newspaper *Asahi* on October 26, 1947, led to Hara's resignation from the Diet and to his prosecution for fraud.

2. Both Liberals and the Doshi Club (Shidehara followers) insist that President Hinohara Setsuzo of the Showa Electric Industry Company (*Showa Denko*) gave 24,000,000 yen to the Democratic party as commission for an Industrial Bank of Japan loan of 1,200,000,000 yen to the Electric Company. The Bank was then headed by Kurusu Takeo, later finance minister, who afterwards joined the Democratic party. This story was made public by the *Dai Ichi Shimbun* on January 23, 1948.

3. In a long confession, serialized in the *Yukan Miyako*, from October 29 to 31, 1947, Mizuno Shigehiko, president of the Mizuno Productive Industries, told a story of fraud, embezzlement, political corruption, and black-marketing seldom equalled in modern annals. The story, which deals in the main with one set of racketeers endeavoring to cheat another group of rascals through false promises of plundering the public, revealed offers of 30,000,000 yen to the Liberals in exchange for political assistance. These promises were not fully kept, but at least 7,500,000 yen appears to have been paid to Liberal leaders. Two special investigation committees have been set up by the Diet to inquire into the truth of these charges.

4. Allegations that thousands of tons of sugar were diverted illegally in Shizuoka prefecture, to be sold for private profit through political connivance, involved at least two cabinet ministers, in addition to a score of Diet members, and the Liberal, Democratic, and Socialist party leaders. This case, too, is currently under investigation.

Neither these well-documented reports, nor that which alleged the receipt by Governor Yasui of Tokyo of 3,000,000 yen from the sale of Education Bureau calico (*Yukan Miyako*, November 11, 1947), marked an innovation in Japanese politics. Always the political world has been full of corruption and fraud; SCAP, however, had hoped that the new democracy had wiped out remnants of past evil practices.

Black-marketeers provide a deep reservoir of campaign funds. Although no official campaign contribution list includes their gifts, it is from them that all major parties have been financed. There is no question but that party reports on contributions are wholly dishonest. Since Japan's corrupt practices acts limit campaign expenditures to 50,000 yen for Diet candidates (approximately \$250 at the current black-market exchange rate), no Diet candidate confesses to having spent more; yet it is an open secret that a successful campaign requires the spending of at least twenty times

that amount.⁹ Internal evidence confirms the report that the official lists are not correct; even a cursory check shows that while certain individuals freely admit having given sums to specified candidates, the candidates themselves fail to acknowledge receipt.¹⁰

The records are wholly confused. Nakasone Ikutaro, for instance, a broker dealing in surplus Japanese army goods, confessed on oath that he had given some 2,500,000 yen to Tsuji Karoku, "a wire-puller," for Liberal party use, and Tsuji declared that he had used the money for that purpose; yet the Liberals report not one sen of the money. Tsuji claims to have financed the campaigns of 19 successful Diet candidates, whom he named, none of whom acknowledged receipt of anything. Sugahara, who aspires to the tripartite dictatorship of Japanese politics, informed SCAP that he had given 3,000,000 yen to the Liberals, a similar amount to the Democrats, and an additional million to the Socialists (Chiizaki said that the total was more nearly 10,000,000); yet not one penny was reported by anyone. Nishio Suehiro, chief cabinet secretary (later deputy premier), a Socialist, is said by Sugahara to have received a million yen through Ashida, another million from the Takenawa Engineering Company, which appears upon the company's books, and still other sums from various sources—all of which Nishio denies. Hatoyama gave his party a million yen, all of it apparently his own since he failed to list the origin of the money (said to be Ishibashi); but the party reported none of it.¹¹

In direct contrast to all American precedents, each party ended its campaign with a financial surplus!

⁹ This is the 1948 figure, a larger amount because of the continuing inflation than in 1947 when the common Japanese explanation ran "seven wins, five losses," referring to the belief that a candidate who spent only 500,000 yen would not succeed whereas an outlay of 700,000 yen would insure success. In January, 1948, Hara Susumu, a Liberal Diet member, publicly declared what everybody knew when he said: "No Diet member has been elected without breaking the law."

¹⁰ The author made a careful study of the financial reports made by each political party and by the successful Diet candidates; the above comments are based upon his findings. The report was never published.

¹¹ Nakasone made his confession to the Tokyo public procurator in Nov., 1947. Tsuji's statement of the expenses he paid for the 19 Diet members refers to the 1946 campaign, but he says that the same practice was followed in 1947. Sugahara and Chiizaki made statements to the writer in October and November, 1947. Hara was publicly accused by the Tokyo public procurator and by Prime Minister Katayama in Jan., 1948, at which time Katayama requested permission from the Diet to try him for fraud. Yasui denied to the writer that he had received any of the money, but Tsuji, who helped elect Yasui, said that the charge was true. It should, however, be remembered that Governor Yasui, following election, refused to follow Tsuji's guidance. Kato and Suzuki also denied complicity, and even entered suit against Hara for libel. Statements referring to Hatoyama are endorsed by Hatoyama himself.

The Powerful Oyabun. It would be naive to inquire how contractors and big business interests were enabled to donate such amounts.¹² With all the rebuilding, rehabilitation, reconstruction and repair work to be done, especially under lucrative cost-plus contracts with the Occupation, business men could, for a while at least, name their own profits. Tsuji declared that Sugahara offered him an enormous sum to join forces with him, an offer which Tsuji refused, he said, because it represented only one-fifth of Sugahara's expected profits.

Construction companies (*gumi*) constitute a powerful pressure group. Under the Japanese system, which is not unlike the old Italian *padrone* system, *gumi* chiefs, called *oyabun*, control elaborate outfits of tools, materials, minor artisans, day laborers, and ready capital, capable of being directed toward any one of a number of different types of work. The *oyabun* provide food, clothing, medicines, and shelter for their men, who, in turn, owe labor, loyalty, and unquestioning obedience to their bosses.

The *oyabun* system has wide ramifications. Originating, according to the precedent-minded Japanese, in early Tokugawa times when, because of social instability, the weak and helpless entrusted themselves for protection to strong knights, the pattern developed, as in Europe, into full-fledged feudalism.¹³ Rural areas still reflect the feudal landlord-tenant relationship. SCAP officials were taken aback when, in the 1946 and 1947 Diet elections, and in the December, 1946, campaigns for membership in land reform commissions, candidates showed themselves reluctant to appear. In at least a third of the rural mayoralty elections, only one man presented himself for election; this was the local *oyabun*, whose right to represent his people was unchallenged, and peasants thought it not only

¹² Sugahara, the generous contractor who financed three different, and presumably rival, parties, was matched by his associate Chiizaki Usaburo, who, while running as nominal independent in the Hokkaido (immediately after election he joined the Democrats), also gave heavily to the Liberals and offered large sums to the Socialists which, they say, they rejected. Chiizaki, meanwhile, allowed his newspaper, *Hokkaido Shimbun*, to campaign earnestly for the Communists while he himself donated the entire campaign expenses of his Communist rival, who was elected at the same time as himself. These contributions were acknowledged in the Communist's official campaign report, but were not reported by Chiizaki until his attention was called to the omission. He then explained that he gave the money because he admired the candidate's mother!

¹³ As in Europe, a strong sense of status and an exaggerated sense of honor permeate the system. Where, as in rural regions, it matured without undue interference, a hereditary relationship arose whereby the same family of *oyabun* (pseudo-parent) governed the same *kobun* (child, or follower), families for several centuries. In some instances a curious tradition existed whereby the *oyabun* must not marry, but instead, as in so many other Japanese circles, must adopt a promising *kobun* as his son and successor.

impolitic but also impolite to oppose him. Similarly, tenant farmers hesitated even to take the rice paddies to which the revolutionary land reform laws entitled them. Not only did the supposedly oppressed tenants sympathize with landlords losing their lands, but, in many cases, they conspired both with the *oyabun* and with local land commissions to defeat the purpose of the laws designed to benefit the poor.

Similar phenomena appeared in the coal fields both of Kyushu and the Hokkaido where the *oyabun* system took the form of arrangements whereby miners were hired by, and owed service to, the individual foremen rather than to the mine operators. Resultant evils were at first ascribed, not to the *oyabun*, but to the belief that a nefarious gangster system handicapped the production of coal.¹⁴

More recently the *oyabun* system has flowered in the cities. This is wholly understandable. Internal confusion, following the utter destruction of vast urban areas, the weakness of the central government, due to war stress and to deliberate intervention of SCAP authorities, the break-up of the once powerful national police system, and the enforced collapse of virtually all other traditional controls, produced an economic-social-political vacuum. This was intensified by the effects of a SCAP-directed purge, which cleansed these fields of their top, experienced personnel.

Into this vacuum the gangster rushed. New relationships, based upon fear and bolstered by carefully fostered psychological loyalties, strengthened by blood-drinking ceremonies which lent a mystic and spiritual color, set up more widespread, if not new, master-man relationships. The presence of large numbers of young unemployed men, repatriated from the Continent, demobilized from the army, and freed from their former connections, provided a reservoir of devoted followers.

Oyabun organizations in the cities, in addition to the *gumi*, consist chiefly of the following:

1. Gamblers.¹⁵ Tokyo Metropolitan Police officials estimate that some

¹⁴ On Oct. 16, 1947, *Miyako Shimbun* reported the Coal Production Coöperation Society as saying that 10 per cent of the nation's 407,000 coal miners were "lawless," that murder, violence, blackmail, burglary, and black-marketing flourished in the coal areas, and that neither management nor labor unions dared protest for fear of vengeance being visited upon them. *Tokyo Mimpō*, on Dec. 10, 1947, estimated that 5,300 underground miners and 19,700 other coal workers in Hokkaido, held in slavery under what the paper called the "octopus system," would be freed when their "feudalistic contract labor system" ended in Apr., 1948.

¹⁵ The word "gambler" has wider overtones in Japanese than in English. For one reason or another, not always clear to Occidentals, the Japanese gambler is understood to be a peculiar combination of gangster, political leader, and petty criminal. The Tokyo Metropolitan Police insists that during the first year of the Occupation gambler gangs committed "18 murders, 18 injuries, 3 robberies, 85 cases of blackmail, 550 larcenies, plus other offenses not yet discovered." (Cf. Gordon Walker, in *Christian Science Monitor*, Nov. 13, 1947; *Mainichi*, Jan. 21, 1948.)

60 gambling *oyabun* with upwards of 5,000 followers are active in Tokyo. Approximately 400 different forms of gambling, mostly with "flower cards" and *mah jong*, with some 20 types of dice games, flourish in the metropolitan area. "The intellectuals," according to the police, "play poker." The police believe that in all Japan there are 489 gambler groups, with 16,117 members. Of these groups, 23 are in Kobe, 21 in Osaka and 16 in Kyoto.¹⁶

2. Hoodlums. In Tokyo alone, 267 gangs of *gurentai*, or hoodlums, using violence and intimidation, dominate such activities as small cafés, cabarets, dance-halls, theaters, brothels, the ricksha industry, and the as yet small but growing fleet of pedicabs. The 7,375 Tokyo *gurentai* are said to reap a monthly tribute of approximately 100,000,000 yen. There are 82 similar groups in Kobe and 31 in Kyoto; more tightly organized Osaka has but 15.¹⁷

3. Street stalls. These *tekiya*, lightly constructed canvas and bamboo booths from which small articles of cheap quality and infinite variety are sold, are set up usually on the outside third of sidewalks in congested centers. Thus exploiting public property, they are wholly dependent upon police permission and mob "protection." The franchise to use these sidewalk rights has been controlled by 200 Tokyo *oyabun* who have welded the 29,559 *tekiya* into tightly knit satrapies yielding about 60,000,000 yen in yearly tribute. The *tekiya*, always a colorful feature in Japan, have increased in numbers because war devastation destroyed so many permanent store buildings that the *tekiya* were relied upon as necessary substitutes.

By Metropolitan Police Board ordinance of December, 1946, *oyabun* assumed almost complete control over licensing (a polite word for fief granting), price-fixing, and operation of Tokyo *tekiya*. The *oyabun* are officially designated collectors of Tokyo mercantile taxes; after deducting a percentage for services (if not also for excess levies collected), the *oyabun* deliver the money to the city treasury. No effective supervision exists to

¹⁶ Gambling abuses are, of course, not new in Japan. They stem, as in most Oriental countries, far back into the past. During the entire period since the Meiji Restoration of 1868, Japanese police have campaigned for their eradication. One of the chief objectives of the so-called "Puritan reformers" of the 1930 period was the abolition of the *mah jong* racket. One of the strangest incidents, not yet clarified, was the amazing arrest, about 1893, of the entire Japanese Supreme Court on charges of gambling.

¹⁷ Much confusion results from the misuse of English terms to describe these ruffians. A common word for the gangster of bygone days was the *machiyakko* (street guy), whom the ever-chivalrous Japanese dictionaries convert into "chivalrous man-about-town." Toyama Mitsuru, long head of the Black Dragon Society, delighted in being called "The Robin Hood of Japan." Even Gordon Walker, *op. cit.*, refers to the roughnecks as "vigilantes."

prevent exploitation, nor even to guard against undue delay between collection and final delivery of the tax money.

4. Blackmailers. Much of this activity is conducted by the gambler and hoodlum groups, but, in addition, according to Major Daniel C. Imboden, head of SCAP's section in charge of the Japanese press, there are some 1,080 illegal newspapers, the so-called *gorotsuki shimbun*, some charging as high as 200 yen per copy, which use black-market newsprint. Publication is, of course, the least important activity of these journals; they draw higher incomes for items not printed than for those printed.

5. Political clubs. These associations, usually ultra-conservative although sometimes extremely radical, constitute a large segment of the 1,250 so-called political parties of Japan. Customarily they have no definite platform other than the usual loyalty to the emperor, compliance with the Potsdam proclamation, promotion of democracy, and rehabilitation of Japan—slogans common to all parties (other than the Communists). Often they are mere adjuncts of the established parties, similar in character to the Youth Action Corps type of strong-arm men.¹⁸ In many instances they are survivals either of prewar *soshi* (political bullies) or of *ronin* (soldiers of fortune) organizations; or they are new groups of crackpots dominated by ambitious political bosses.

Politicians were quick to seize upon these ready-made nuclei for the building of their postwar machines. Blocks of votes already disciplined to follow leaders and thoroughly indoctrinated with the idea that intimidation, violence, and bribery are legitimate weapons, were, therefore, sought by leaders of every political shade. Thus the black market, already affecting every person in Japan, entered politics; the *oyabun-kobun* system, already deeply ingrained in Japanese psychology, intensified its hold upon the people.¹⁹

¹⁸ Youth Action Corps are primarily Communist party adjuncts described euphemistically as protective guards. Such groups are not, however, new features in Japan. Ever since the Meiji Restoration, Japanese politicians, of every shade of political opinion, have consistently relied upon the strong-arm tactics of *soshi* and *ronin* both for their own protection and for the discouragement of rivals.

¹⁹ The *Shinei Taishuto* (Elite Party of the New Masses) is a typical example. Organized in 1946 by Maki Yasutoshi, a *tekiya* leader, as an "intermediary between capital and labor," it funnelled relief supplies, distributed by the city of Tokyo through Maki as its agent, to Maki's satellites. Maki built up a *kobun* following to help him in his campaign as a Liberal candidate for the Diet in his unsuccessful bid for election in 1946. Two of his satellites knifed Katsunami Katsuji, an undercover Communist who headed the Japan Congress of Industrial Organizations, when he attempted, in Jan., 1947, to call a general strike. The party called an anti-communist mass meeting, to be held on Dec. 14, 1947, the anniversary of the day when Japan's traditional heroes, the 47 *ronin*, met to avenge the death of their feudal lord. The meeting was not held, because Maki was arrested two days prior to the scheduled

Such is the network of organizations which, in the words of Colonel Charles L. Kades, assistant chief of Government Section, constitutes "a massive underground network extending from the smallest rural village to the highest echelons of the national government."²⁰ Kades has further declared that "this clannish and clandestine combination of bosses, hoodlums, and racketeers is the greatest threat to American democratic aims in Japan."²¹

This is not however to imply, as some American correspondents feverishly declared, that sinister master-minds, operating from behind a dark curtain, are in conspiracy against the Occupation.²² There have been no organized Black Dragon Society plots to murder General MacArthur and his aides. Even Colonel Kades himself overstated the case when he assured the public procurators assigned to break up the *oyabun* that "unless you succeed, all gains of the past two years toward attaining democratic government responsible to the people will be imperilled if not extinguished."

While there is no tight organization and no hierarchy in the *oyabun* arrangements, there is, none the less, a certain community of interest. All such groups are conservative, all have a certain degree of cohesiveness based upon their family-like exclusiveness, their nostalgic feeling of reliance upon orders from above, their hunger for sonorous instructions, and their complete devotion to the Emperor as the soul and symbol of Japan. Professing a passionate devotion to justice, charity, love, and mutual obligation, they regard themselves as the embodiment of the true Japanese spirit.²³

It is this cohesiveness and this dedication to ideas now looked upon as

date. Toyama Naoki, Maki's successor as leader, thereupon publicly announced that his boys would burn down the house of assignation in which Maki had been arrested. This particular party was abolished as a dangerous reactionary organization, but scores of similar societies continue to exist.

²⁰ A curious confusion resulted. SCAP experts, not too well grounded in Japanese history and not fully aware of the complex social system, seeing the rise of gang politics, assumed that the fault lay with the *tonari gumi* (neighborhood associations) whereby all Japan had been subdivided into blocks of 5 to 10 households under an elective leader. The *tonari gumi* had sufficient grievous faults not to need attack upon this particular score, but by loading responsibility for political shortcomings upon them, and by abolishing the system on Mar. 31, 1947, SCAP broke up a going concern that might have been used constructively under better and more scientific leadership, without seriously affecting the evil it sought to end.

²¹ The Kades speech, made to the public procurators in their annual meeting, is reported in *Christian Science Monitor*, Nov. 13, 1947.

²² Cf. *Wichita Beacon*, Nov. 7, 1947.

²³ Shimizu Ikutaro, "Anti-Social Groups in Japanese Society," *Chuo Koron*, Sept., 1947; see also *Sekai Nippo*, Sept. 22, 1947.

"feudalistic" that rouse SCAP suspicion. *Oyabun* philosophies and principles are much too reminiscent of those professed by dangerous societies of the Black Dragon type. The form of patriotism that led, in the 1930 decade, to intimidation, assassination, and mass murder must not be permitted to revive.

SCAP's Attack Upon the Oyabun. For this reason, H. S. Eaton, chief of the Police Administration of Public Safety Division, conferred with officers of the Civil Information and Education Section on July 15, 1947, and later, on September 11, with officials of the Economic and Scientific Section, with a view to wiping out the evil aspects of the *oyabun* system. Subsequently, as the wider ramifications of the system came to be recognized, Government Section and other agencies were called into conference and a far-reaching campaign was instituted to rid Japan of the dangerous *oyabun* octopus.

Japanese government officials were at first reluctant to coöperate. This is to be ascribed in part to the age-long tie-up of the Japanese police with *oyabun* organizations, in part to the unquestioned fact that many high officials owed their appointments to *oyabun* influence.²⁴ Not only did ultra-conservative political parties oppose the investigation, lest their close relations with *oyabun* groups be revealed, but the Communists also proved reluctant to participate for fear that their ruthless Youth Action Corps might be found to have *oyabun-kobun* characteristics.

SCAP, however, insisted upon launching a campaign to cleanse Japan of these societies. As first fruits, the famous Matsuda gang controlling Shimbashi Market in Toyko, where a bloody gang war had raged, dissolved itself, its woman leader announcing that she would henceforth devote her efforts to social welfare.²⁵ The Shinohara gang of Ginza gamblers also in Tokyo, boasting an origin in the Yedo period, held formal dissolution ceremonies in Sukiwabashi Park on October 26, 1947, with its 64-year old leader, Shinohara Hodenosuke, announcing: "Now that my young men have become respectable, I pray they will not fall into evil ways."²⁶ Sekine

²⁴ Gordon Walker declared (*Christian Science Monitor*, Nov. 13, 1947) that Welfare Minister Hitotsumatsu Sadakichi, a Democrat, was the adviser of an Osaka *tekiya* organization. Ozu Kinnosuke, *oyabun* of Shinjuku ward, Tokyo, was the officially recognized Liberal candidate for the Diet in 1947.

²⁵ The Matsuda Gang was founded by Matsuda Giichi upon his return from Shanghai after the war. Matsuda, shocked by the anarchy of Shimbashi Market, where *tekiya* keepers, ruffians, black-mailers, and gangsters fought and killed one another, welded them into a firm *oyabun-kobun* organization. He was killed in a gang war in July, 1946, and was succeeded by his widow, the chic young Matsuda Yoshiko, who found the task too difficult. She now says that the *yakuza* (scamps) must be wiped out, that movies and novels glorifying the *oyabun-kobun* system must be eradicated, and that the *yakuza*, "many of whom have clean pure hearts, though their profession is to fight," must lead honest lives. *Shukan Asahi*, Aug. 10, 1947.

²⁶ The dissolution of this and other gangs was marked by almost extravagant

Ken and Ozu Kinnosuke, notorious Tokyo gang leaders, converted their terroristic organizations into "democratic coöperatives."²⁷

These last-hour repentances were, however, unimpressive. At the instigation of SCAP, the Japanese government, after trailing Sekine for a month, tried him, with ten others, on charges of illegally possessing a machine gun, and of having "set up headquarters for a disorderly purpose and for the felonious intent of committing acts of physical violence." While acquitted of the machine gun charge, he and his associates were sentenced to imprisonment for two to five years, and to payment of fines of from 50,000 to 75,000 yen each. Sekine received the heaviest sentence in both categories.²⁸ This outcome deeply impressed the Japanese. Sekine, boss of an organization said to control 50,000 people (though this was undoubtedly an exaggeration), was a close friend not only of Maki Yasutoshi, whose political club, the *Shinei Taishuto*, was his political arm, but also of Prince Kaya, a relative of the Emperor himself.

Other arrests, followed by convictions, were those of Ozu, once supposed to control 40,000 followers and erroneously believed by SCAP officials to be the king of gangsters; Yasuda Asanobu, who extorted 900,000 yen from *tekiya* between September, 1946, and March, 1947; and a number of lesser figures.²⁹ During the latter half of 1947, Tokyo police alone arrested 1,798 *oyabun-kobun* suspects. Of this number, only 9 were actually *oyabun* and 1,266 were *kobun*; the remainder were individuals held under sus-

professions of democracy. Shimuyama Masuhisa of Asakusa ward, Tokyo, declared: "Some say our world is feudalistic, but what would humanity be without our spirit of benevolence and righteousness? I am in this business because I like it." *Ibid.*

²⁷ Sekine, learning that the police wanted him, ran away with a girl friend. For a month thereafter, although the Tokyo newspapers carried exact reports of his wanderings, the police could not find him. Then, when a lieutenant called upon Police Chief Tagano Mineo with a message that Sekine would surrender if assured of "a peaceful and amicable talk with the police," proper assurances were given, and Sekine consented to be caught. Meanwhile his organization, in Sekine's absence, voted to dissolve; but many members questioned the validity of the action. *Jiji Press*, Sept. 1, 1947. *Seiji*, Aug. 21, 1947, reported that approximately 500 groups had thus "dissolved."

²⁸ The machine gun was never linked to Sekine himself. *Jiji Press*, Oct. 16, 1947.

²⁹ It is noteworthy that some of these trials were for other charges than intimidation and violence, due to the fact that many witnesses proved reluctant to testify. Ozu, for instance, was convicted, and his property sold on Jan. 19, 1948, "for failure to pay delinquent taxes." The proceeds brought only 510,000 yen out of a total of 5,040,000 yen which had been levied upon him. Yasuda, who, according to *Mainichi*, Aug. 21, 1947, had taken a toll of from 10,000 to 30,000 yen per store, was not penalized for this as much as for his having extorted money from 37 *tekiya* which had never been set up; Yasuda had cheated them of the refunds due. Yasuda was also alleged (*Jiji Press*, Aug. 21, 1947) to have confiscated a sawmill set up within his "sphere of influence" without his prior consent.

picion. As a result, 939 were at once set free, but 613 were indicted and held for trial; at the end of the year, 246 cases were still under investigation.³⁰

This police campaign, conducted all over Japan, was the government's answer to charges that the political life of the nation was dominated by gangsters. Prime Minister Katayama felt justified, therefore, in telling the House of Councillors, on November 29, 1947, that no basis existed for statements that "an underground organization was endeavoring to overthrow the government and political parties and to set up an extreme rightist organization." Admitting the presence of what he termed "some dregs of feudalism," he praised the progress made by the police in eliminating evils.³¹

As far as the general public is concerned, a public opinion poll bears out Katayama's assurances. While 96 per cent of those interviewed reported that they were "aware" of *oyabun-kobun* activities, a break-down showed that most people knew of them through "rumor," novels, or radio only; less than 9 per cent admitted having direct knowledge of the situation.³² The general impression appeared to be that while spectacular successes were apparent in the arrest of certain figures, especially those in a had aided the opposition, little permanent change was being made who system that has characterized Japan for generations and which is well understood by Japanese.

³⁰ The nation-wide drive started later and full reports were slow of receipt. As of Oct. 20, *Mainichi* reported that a total of 7,962 arrests had been made. Of these, more than one-fifth (1,607) were in Nagasaki, another 1,143 in Osaka. The home minister, Kimura Kozemon, announced that this total represented about 15 per cent of the 1,260 groups, of 53,051 known members, of the gangs. "They may not all be gamblers, toughs, or gangsters," he said, "but they are undesirable parasites grouped into 'gumi' or 'ikke,' led by so-called *kaoyaku* (neighborhood bosses)."

³¹ Katayama's statement was made in response to an interpellation of Councillor Hani Goro, who asked about the truth of news dispatches sent to the United States by Howard Handleman of International News Service. *Seiji*, Nov. 30, 1947.

³² This poll was taken by *Asahi* in Oct., 1947, after the police drive had been under way for nearly four months. It was reported in *Asahi*, Dec. 15, 1947. The poll covered 7,000 persons in Tokyo, Osaka, and northern Kyushu, and 2,822 replies were tabulated. Of those replying, 4 per cent supported the *oyabun-kobun*, 72 per cent opposed. Replies showed that 31 per cent had heard of the system through newspapers and radio, 24 per cent by rumor, 18 per cent through "friends who are members," 13 per cent through novels or story-tellers, 4 per cent through movies and 1 per cent through magazines. An additional 7 per cent claimed to be within the *oyabun* "sphere of influence" and 2 per cent admitted to being *kobun*. A further break-down disclosed that 2 per cent thought that the system was not objectionable, 58 per cent said it was undesirable, 78 per cent saw both good and bad effects, 2 per cent "generally good but with some defects," 14 per cent "some merits," and 6 per cent "don't know." It is characteristic of Japanese statistics that the figures do not add up to 100 per cent.

V. PARTY POLITICS IN THE NEW JAPANESE DIET*

JUSTIN WILLIAMS

Chief, Legislative Division, Government Section, SCAP

Internal Procedures. Unschooled in the history and theory of Occidental parliamentarism, the old political factions, with new names,¹ naturally try to adapt the new order of things in the Diet to the normal Japanese pattern. Their *modus operandi* during the first and second sessions—by way of adjusting to the Diet as the “highest organ of state power”²—is an eventful chapter in the development of popular government in Japan.

Basic is the fact that political parties manage the Diet: every action is a party action, every vote a party vote, every decision a party decision. The individual member stands for nothing.³ Bills and resolutions, motions of any kind, speeches, interpellations, filibustering, even heckling and rowdyism, in committee and House sessions—all are products of political parties.

The primary agency through which political parties collectively manipulate the Diet is an entirely new piece of legislative machinery, the “Steering Committee,” one of 21 standing committees in each House.⁴ Each House invariably approves the recommendations of this committee, which concerns itself with expenditures from the contingent fund, requests for on-the-spot investigations, selection of House officials, recess,

* Nothing contained in this article is to be construed as in any sense official.

¹ The political parties and groups in each House, together with their membership, if any, on May 1, 1948, and May 20, 1947, the latter in parentheses, were as follows: *House of Representatives* (466)—Democratic Liberal (Liberal until Mar. 15, 1948), 150 (129); Social Democrat, 123 (144); Democrat, 92 (132); People's Cooperative, 30 (31); Social Renovation, 21; Independent Club, 10 (18); Japan Farmers, 7 (8); Japan Liberal, 6; Communist, 4 (4); non-affiliated, 4; vacancies, 19; *House of Councillors* (250)—*Ryokufukai* (Green Breeze), 87 (91); Social Democrat, 46 (47); Democratic Liberal (Liberal until Mar. 15, 1948), 45 (44); Democrat, 45 (42); Independent Club, 14 (19); Communist, 4 (4); non-affiliated, 4 (3); vacancies, 5. “. . . political parties are centered around personalities, with the boss-henchmen relationship still widespread. These personalities lack consistent political policies and ideals . . . [hence] it is possible for them to split up readily or to band together . . .” Saionji Kinichi, “Why Does the Political Situation Not Become Stabilized?” *Sekai Jeep* (monthly magazine), Mar., 1948.

² Constitution, Art. 41.

³ Exception: “The bill intended to increase the salaries for themselves was the only one to which the legislators of both Houses literally gave unanimous consent during the stormy 1st session.” *Kyodo Press Service*, Dec. 11, 1947.

⁴ The other 20: Foreign Affairs, Public Safety, Land Planning, Judiciary, Education, Culture, Public Welfare, Labor, Agriculture-Forestry, Fisheries, Commerce, Mining-Industry, Electricity, Transportation, Communications, Finance, Budget, Audit, Library, Discipline. Diet Law, Art. 42.

extension of session, communications from the other House or the cabinet, amendments to the Diet Law, opening ceremony, and related topics. Although not absolutely required, unanimous committee consent is, in practice, attained, it being considered "fascistic" for the government parties to impose their will through sheer numerical superiority. As a result, action on controversial items is often deferred to the end of the session, by which time a compromise is reached or the majority, against bitter resistance, resorts to the highly distasteful expedient of "crushing" the opposition. The Steering Committee sits every weekday and sometimes on Sunday; it is the hub of each House.

The considerable power granted the *gicho* (speaker or president) by the Diet Law and House Rules is exercised *in toto* by the traditional Interparty Negotiating Conference, a body of plenipotentiaries whose unanimous agreement must be obtained before any item can be placed on the daily agenda of the House. Unauthorized by law, this group, meeting in closed sessions and presided over by the speaker, is composed of delegates representing each party of 25 or more members, as well as "observers" from smaller factions.⁵ Pending complete agreement, the conferees recess repeatedly for consultations with their respective parties. During the second Diet session under the new constitution, a dispute over whether a resolution of condolence to a deceased member's family should be given priority on the agenda over the bill for Temporary Appointment of Parliamentary Vice-Ministers caused a 24-hour postponement of the plenary session of the House of Representatives.⁶ When an argument is settled in

⁵ First organized as the Consultative Council in 1904 to bring about the downfall of the Ito cabinet, this body of party agents, on Jan. 31, 1939, adopted the title of Interparty Negotiating Conference and framed the Regulations under which it still functions. Art. 1 authorizes the speaker to convene party delegates "to confer on matters deemed necessary by the speaker." Art. 2 stipulates that each bargaining body must have 25 or more members. Art. 5 requires the presence of at least one representative from each bargaining body before the Conference can sit. Art. 6 requires that the "proceedings . . . shall be decided unanimously." Art. 7 binds all parties to Conference decisions. Art. 8 permits an agent of each small party to "listen to the proceedings" and, with the speaker's consent, to express opinions. In 1947, the House of Councillors organized an Interparty Conference, which adopted these regulations, excepting Art. 2. (Information furnished by the secretaries-general of the Houses.) The Diet Law, Art. 55, states: "The *gicho* shall fix the calendar of proceedings and give advance notice of same to the House." Early in May, 1948, the Houses jointly proposed to dispense with the Interparty Conference by adding the following clause to Art. 55 of the Diet Law: "In fixing the calendar, the *gicho* may consult only with, but need not be bound by the decisions of, a sub-committee of the House Steering Committee." Supported by all parties, this amendment is expected to win Diet approval.

⁶ House of Representatives, Secretary-General's notes on Interparty Conference Proceedings, Apr. 5, 1948 (stenographic records of these meetings are not taken). The resolution of condolence was given priority.

favor of the majority, a face-saving concession, no matter how trivial, must be made to the minority.

During meetings of the Interparty Conference, members of the several parties are assembled in their respective caucus rooms in the Diet building. Here, party decisions are hammered out. Although major issues are oftener than not resolved by the executive directors alone, rank-and-file members in caucus are privileged to express themselves as freely, as often, and as vehemently as they like; but once the party is committed, all members without exception either accept the verdict, resign, or are expelled. The small bargaining groups in the House of Representatives are made up largely of those who refuse to knuckle under to the party bosses.⁷

The political parties select House officials with painstaking care. The speaker and vice-speaker of the House of Representatives are chosen from the largest and second largest party,⁸ respectively, and standing committee chairmen, holding offices created by the Diet Law,⁹ exclusively from government parties in proportion to their numerical strength. The Councillors pick all officials on a proportional party basis, making no distinction between government and opposition factions.¹⁰ Only the secretary-

⁷ Switching to the arch-conservative Democratic Liberal party in Apr., 1948, left-wing Socialist Moriyama Takehiko, acrimoniously perhaps, explained: "I think the Socialist party is fascistic. All matters are decided by the Central Executive Committee and the other members have no voice in anything." *Shin Hochi*, Apr. 20, 1948. *Jiji* Press reported, Mar. 19, 1948: "During the past 11 months, a total of 285 members of the House of Representatives criss-crossed from one party to another in search of the best political cushion to fall back upon." During this period, one member started as a Liberal, left the party and became an independent, later affiliated with the Doshi Club (rebel Democrats), and wound up in the Democratic Liberal party, whence he started. *Ibid*.

⁸ This is by custom only. Yamazaki Takeshi, Liberal, on assuming the speakership in 1946, resigned from his party but rejoined it before the general election of Apr., 1947. Speaker Matsuoka Komakichi, Socialist, retained his party membership during the first and second Diet sessions. The parties in power would not accept an opposition member for speaker or vice-speaker for fear he might entertain a motion of no-confidence in the cabinet at an inopportune moment. The latter point was explained to the writer by Prime Minister Ashida Hitoshi.

⁹ Art. 16. *Jimmin*, June 25, 1947, editorialized: "There was no partiality shown in the recent appointment of the chairmen of the standing committees, who were determined on the basis of technical knowledge and experience." The *Kanazawa Hokkoku Mainichi*, June 5, 1947, commented on the same subject: "... men of ministerial class or of greater ability should be placed as chairmen. ... From this point of view, the nomination of chairmen of the standing committees in both Houses, made public on June 3, fulfilled our expectations." From *Asahi*, June 4, 1947: "... yesterday the chairmen and members of the 21 standing committees were selected, and the nerve centers of the new National Diet came into existence."

¹⁰ On the surface, party conflict is less pronounced in the House of Councillors than in the House of Representatives. Plenary sessions in the former are, by contrast, orderly and dignified, a carry-over from the House of Peers, whose tradition

general,¹¹ a non-member official, is elected by each House without reference to party politics.

Unlike the Diet *gicho*, who do the bidding of the Interparty Conferences, standing committee chairmen, unaccustomed to their recently established position, are not completely subservient to their party bosses or to the members of their committees. Although, by and large, they dutifully adhere to the policies mutually agreed upon by the government parties, a notable exception was the case of the chairman of the House of Representatives budget committee who persuaded his Socialist left-wing committee colleagues to join the opposition liberals in defeating an important cabinet measure and, in so doing, caused the Katayama cabinet to resign.¹² An extreme case of unilateral action was that of a chairman who, without consulting either his committee or the House, designated the head of an important new national agency and signed a contract presumably obligating the Diet to purchase materials valued at millions of yen, suffering as a consequence nothing more serious than having his actions termed "feudalistic" by members of his committee.¹³ Most chairmen personally select the two "qualified specialists" assigned to each standing committee, and they have tended to arrogate to

of decorum is cherished. Actually, the Democrats, Liberals, Socialists, and Communists—comprising 140 of the 250 members of the second chamber, are as rabidly partisan as their legislative brethren in the opposite wing. Ostensibly a group of independents, the 87 members of the *Ryokufukai* (Green Breeze Society) are known partisans, expected to join the party of their preference sooner or later.

¹¹ Cabinet appointees of *chokunin* rank under the *Meiji* constitution, these important officials are now employees of the Houses. If the incumbent secretaries-general, carried over from the old régime, have not entirely abandoned their bureaucratic habits, they have skillfully and patiently coached the National Diet tyros in the use of the new parliamentary procedures. Ozaki Yukio, member of the Diet continuously since 1890 and its most outspoken critic, bluntly observed that members of the first National Diet lack "knowledge of how to run the Diet. The Speaker of the Lower House seems to be an intelligent man, but as he knows scarcely anything about the procedure of the Diet, he is forced to conduct business in line with the instructions of the Secretary-General and other bureaucrats." *Shin Hochi*, July 31, 1947.

¹² Compelled by his party to resign the chairmanship of the budget committee of the House of Representatives because, as he confessed, "... my behavior has caused not only the fall of the Katayama cabinet but a schism within our party at a time when it is urgently necessary for us to unite closely as a perfect opposition party to face the next elections," Suzuki Mosaburo said: "I am certain that my attitude as chairman of the budget committee toward raising railway fares and postal rates ... conformed with the general wishes of the people and the decision of our party's national convention. It was by no means permissible under the authority of the National Diet and the responsibility of a government party blindly to swallow the budget bill in question when there were other financial sources available." *Tokyo Shimbun*, Feb. 14, 1948.

¹³ Details explained to writer by various Diet members and officials.

their exclusive use the committee automobiles. In the main, however, they have conducted themselves in a manner equally satisfactory to government and opposition members.

Second only to true cabinet responsibility as the most profound reform in the postwar Japanese system of government, Diet standing committees, in contrast with the former impotent *ad hoc* committees, give promise of maturing into mighty instruments of the political parties for combatting the entrenched bureaucracy. Empowered to examine legislative bills, conduct on-the-spot investigations, hold public hearings, subpoena witnesses, demand and receive official documents, and determine the use of public funds,¹⁴ the standing committees generously use, sometimes abuse, their extensive rights. Not only do they deliberate thoroughly upon cabinet bills referred to them and occasionally sponsor a piece of legislation of their own, but they also traverse the four islands of Japan seeking first-hand knowledge about coal mines, factories, power sites, penal institutions, police stations, courts, parks, shrines, museums, libraries, schools, repatriation camps, flood-damaged areas, fisheries, harbors, and so forth.¹⁵ With dignity, skill, and impartiality, a number of standing committees conducted public hearings in the Diet building, eschewing levity of any sort as well as cheap publicity for individual members and political capital for any party, listening to the testimony of "learned persons" and ordinary citizens of both sexes, attracting large crowds and receiving prominent coverage in the press.¹⁶ Still in the apprentice stage, standing committees, as they gain experience and confidence, will delve deeper into the mysteries of the bureaucratic stronghold.

Plenary Sessions. Diet plenary sessions have never been, and are not now, occasions for forensic clashes between the orators of the opposing parties, nor for reshaping legislative bills reported out of committee, nor for speeches merely for the record. Plenary sessions are held for three general reasons: first, to give perfunctory approval to matters previously decided in committees; second, to afford spokesmen of the several parties a chance publicly to interrogate and embarrass cabinet ministers; and

¹⁴ Diet Law, Art. 42, 51, 103, 104, 106; Constitution, Art. 85: "No money shall be expended . . . except as authorized by the Diet."

¹⁵ At the outset of the first Diet session, replying to a correspondent's question concerning this new Diet function, Speaker Matsuoka prophesied: "We can now investigate at our will and I believe we will be rather active." *Yomiuri*, June 24, 1947. During the succeeding eleven months, a total of 63 junkets was made by Diet standing committees.

¹⁶ First page headline, *Nippon Times*, Aug. 13, 1947: "Man-in-the-Street Has His Say At Hearings on Adultery Issue: Teachers, Office Workers, Farmers, Authors, and Others Asked to Testify." Although this was the first time the people ever participated in the legislative process, the press covered the hearing as if it had been a commonplace Diet occurrence.

third, to conclude filibusters in an atmosphere of turbulence. During slack periods, when the cabinet falls behind in submitting bills to the Diet, members become bored and recess for periods up to 10 days at a time. The Diet Law requires a plenary session at least once every two weeks during the term for "free discussion."¹⁷ Designed specifically to liberate members from rigid party control, this innovation has been far from successful, although numerous experiments with it have been tried. In the beginning, the Steering Committee selected the speakers and the subject for discussion and fixed a time limit for each speech; later, selected speakers were allowed to choose their own subjects; finally a plan was worked out whereby the *gicho* recognized predesignated party floor leaders who, in turn, nominated spokesmen for their respective parties. Not once, however, have individual members been authorized to rise at will and address the House. Seldom do the major parties avail themselves of this opportunity to be heard; never does the Communist party pass up its allotted time. Notwithstanding the Diet Law provision, no member would dare conclude his remarks by offering a motion unsanctioned in advance by the Interparty Conference. Free discussion is incompatible with the Japanese type of party discipline.¹⁸

Political parties use the Diet chambers to best advantage as public forums for interpellating cabinet ministers. Opposition members effectively attack a prime minister's policy address at the beginning of his administration, consuming for this purpose from five to ten plenary sessions. Strangely enough, members of one government party interrogate cabinet ministers of other government parties not so much to cause embarrassment as to emphasize the unsettled and doubtful planks in the coalition platform.¹⁹ Requests for "urgent" interpellations are freely granted by

¹⁷ Diet Law, Art. 78.

¹⁸ The earlier free discussion sessions drew some interesting newspaper comment. *Asahi*, July 8, 1947: "... the lower House held its first free discussion on July 7 ... the sweltering galleries were filled to capacity ... every political party seemed to have picked its most spirited speakers ... Contrary to expectations, the free discussion lacked vigor ... After adjournment ... someone made the criticism that it was like the radio program "The Man In The Street." Nevertheless, the fact that national assemblymen ... should reveal their true positions in a public hall filled with spectators is good for the development of democracy," *Jiji Press*, July 8, 1947: "... Mrs. Togano made her debut as the first woman speaker of this session, but her speech failed to impress the assembly," *Shin Hochi*, July 13, 1947: "If this system is introduced into local assemblies, self-governing bodies, labor unions, and all other organizations, it will do much for the progress of democratic politics. ... This is the best chance for the Diet ... to get rid of its old customs and traditions and devise a new procedure for expressing individual opinions," *Asahi*, July 31, 1947: "... since this system is a new feature of our parliamentary government, we believe that the standard of free debate will rise," *Jimmin*, Aug. 6, 1947: "... members have wasted these ten days by holding free discussions and meetings."

¹⁹ Explained to writer by Asanuma Inejiro, secretary-general, Socialist party, and chairman of the House of Representatives Steering Committee.

the Steering Committee, which requires only that sufficient cause be given for orally questioning one or more cabinet ministers. The various political factions are particularly skillful in the use of this well-developed parliamentary device.

Opposition parties resort to filibustering in House plenary sessions only after exhausting all other efforts to delay and defeat unacceptable legislation sponsored by the government parties. The filibuster starts when the objectionable measure is referred to committee. Hoping to defeat it, or at least to effect a reasonably satisfactory compromise, opposition committee directors exercise their extensive rights to deliberate almost indefinitely, scheduling for this purpose lengthy interpellations on each and every clause, to which meaningless amendments are proposed and debated, calling for the testimony of lay experts, requesting postponement of committee hearings, absenting themselves to prevent a committee action. When at last the majority party bosses lose patience and demand results, the delaying tactics of the opposition are only intensified. Preparations of the committee chairman for a final vote are countered by opposition motions to transfer the hearing to another room and to recess for party conferences, meals, and personal comfort. Debating each motion, sometimes for two whole days, the committee ultimately upholds the position of the chairman, against whom a resolution of no-confidence is immediately proposed for "dictatorially and undemocratically" curtailing committee deliberations. At this stage, which is characterized by personal insults, profane language, destruction of furniture, scattering of stenographic records, open fighting, and intervention of the House guards, the sitting adjourns, to be reconvened, if at all, on the basis of an agreement reached by the Steering Committee.²⁰

Meantime, the argument is transferred to the Interparty Conference, where the speaker cannot possibly obtain unanimous consent for holding a plenary session. After two or three days, the deadlock is finally broken

²⁰ These tactics were used by the Socialist party in opposing the Election Law Amendment Bill during the closing days of the 92nd session. Headline in *Nippon Times*, Mar. 28, 1947: "Fists Fly in Diet as Liberals Clash with Cabinet Foes; Lower Chamber is Thrown into Pandemonium; 2 Members Suffer Severe Contusions." The same issue went on to say: "A free-for-all in the House of Representatives Election Law Amendment Bill Committee Wednesday, evoking memories of the old party politics days, resulted in some casualties and a lawsuit against the Socialist Party. . . . The fight began when Yamamura Shinjiro, Liberal, made a motion to cut short the speech of Satake Haruki, Socialist. . . . Both Government and Opposition members sprang to their feet and blows began to rain . . . the argument overflowed into the corridors. . . . Meanwhile, the Interparty Conference meeting Wednesday failed to reach agreement. . . . The Liberal and Progressive parties issued a joint statement bitterly criticizing the 'unconstitutional' action of the Opposition members in resorting to violence and inexcusable interference with the Committee proceedings . . . in direct contradiction of the principles of parliamentary politics."

when the Speaker unprecedentedly orders a House session in defiance of Interparty Conference Regulations, whereupon the opposition retaliates by proposing a dreaded resolution of no-confidence in the Speaker. In the ensuing plenary sessions, the filibuster rapidly reaches a climax. Limited to one or two hours of speaking time by the "dictatorial" *gicho*, the minor parties deliberately convert the chamber into an arena of ribaldry and ruffianism. In a din of noise punctured by piercing yells, with members gesturing menacingly at each other, the speaker raps for order; but no one can hear him. Confused and disgusted, the speaker rings the bell, signaling adjournment for the day. Next day, perhaps by 7:00 or 8:00 p.m., inebriated filibusterers stagger into the chamber shouting charges of "unconstitutionality," "violation of the rules," and "unprecedented action." Voting on the first item of business, unsteady opposition members rise as a secretary calls off their names, move at a snail's pace toward the rostrum, chat with old cronies along the way, engage in fisticuffs without provocation, and halt just short of the ballot box to tie their shoelaces, thus preventing the vote from being completed by midnight and forcing the speaker to declare the calendar day at an end (Japanese legislators consider stopping the clock unethical). A matter of hours, perhaps, before the Diet session is to close, the speaker, to break the filibuster, asserts his authority under the Diet Law, increases the guard complement inside the chamber, arbitrarily limits debate, entertains a motion to put the main question, and sets a time limit on voting. The filibuster over, members of all parties breathe a sigh of relief, open their newspapers to the leading editorial, and find the caption: "Diet or Zoo?"²¹

Japanese deplore rowdiness in their national legislature but minimize its significance, taking the attitude that excessively rigid discipline invites and justifies the use of strong-arm methods. A scattering of individ-

²¹ Title of editorial in *Nippon Times*, Nov. 25, 1947. These tactics were employed by the Liberal party and a fifth of the Democrats in an effort to defeat the Temporary State Control of Coal Mining Bill during the closing days of the first session of the National Diet. Headline in *Mainichi*, Nov. 23, 1947: "Violence and Swearing Mark Three Days of Diet Brawls." The article continued: "When Speaker Matsuo-oka asked for the presentation of an interim report by Chairman Ito of the Mining-Industry Committee at a plenary session held on the afternoon of November 22, about 15 Liberals rushed to the Speaker's seat, throwing the Diet into great confusion. Imamura of the Liberal Party rushed to the rostrum and grappled with guards. When he was ordered by the Speaker to leave the hall, all Liberals opposed the order, loudly accusing the Speaker of 'arbitrariness'. . . . On the night of November 21 . . . a plenary session began as late as 9:40 and the Liberals resorted to delaying tactics. Seven had cast their votes when the Speaker declared adjournment of the meeting at 12:00 p.m. . . . Oyama Ikuo, who came home recently from his long exile in America, stated: 'At first I could not believe that such bad behavior could happen in the democratic Diet . . . but now I . . . know that the report is true. It makes me very ashamed!'"

ual members in the government faction would vote with the opposition except for certainty of expulsion from their party. Knowing this, the filibusterers go to extremes in attempting to break the solidarity of the government coalition and, failing, feel compensated for having dramatized the righteousness of their crusade.²²

Lobbying. Closely related to filibustering is the Japanese system of lobbying, the type of which is determined by the intensity of the pressure to be applied. Under ordinary circumstances, lobbying consists of nothing more than liaison between the agents of the special interests concerned and party leaders in the Diet, a simple chore preformed by *ingaidan*, inaccurately translated "lobbyists" (but meaning bully-boys or hooligans), who perform menial chores as directed, but exert no influence.²³ When results cannot be accomplished by *ingaidan*, a *ronin*, or political broker, dining with selected party members at an inconspicuous restaurant, imparts with cultivated restraint his keen disappointment at the trend of events.²⁴ If the necessary votes are still lacking, as they were in the strug-

²² This explanation was made to the writer by a number of Liberal party leaders. But *Asahi*, Nov. 25, 1947, raised another point: "What we wish to consider especially on this occasion is whether such acts on the part of Diet members are not rooted deeply in the very fabric of our national traits. . . . The sorry psychology that takes these things to be only a daily commonplace is presumably at the back of all minds among the Japanese. . . . Unless we thoroughly correct this vicious habit . . . there is a fertile soil for the reappearance of fascism."

²³ Employed or supported by a political party, these "non-parliamentary members of political parties"—ex-Diet members, former bodyguards of cabinet ministers, hangers-on—constitute the administrative staff, assisting with election campaigns, downtown shopping for members, correspondence, and other odds and ends. It has been customary for each party to employ twenty or more *ingaidan*, supplying them with coat-lapel insignia for entering and leaving the Diet building unmolested by the guards. On Aug. 5, 1946, one of these bullies roughed-up a Diet guard, an incident dramatized by the press a month later, when a *Yomiuri* reporter learned of it. *Nippon Times*, Sept. 10, 1946.

²⁴ Also referred to as *kuromaku* ("black curtain," hence back-of-the-scenes manipulators, or just plain wire-pullers) and *oyabun* (master, hence political boss, boss of *ingaidan*, one who unselfishly gives away money). Investigating behind-the-scenes money donations by one Tsuji Karoku, to 80 or more Diet candidates in Apr., 1947, the House of Representatives Illegal Property Transactions Special Investigating Committee, during Apr., 1948, revealed that Tsuji had received several millions of yen for this purpose. The president of a large industrial firm testified: "I accommodated Mr. Tsuji with one million yen around Aug., 1947, and two million yen during and after the war. . . . Since I was 21 years of age, I have looked upon him, so to speak, as my father. He teases me for his pocket money. Last August my firm was in difficulty, but I managed to give him one million yen by letting an office building and by contracting debts. . . . I think Mr. Tsuji made use of the money . . . to clear his debts . . . his lavishing money for political parties and statesmen is his disagreeable hobby." House of Representatives, Minutes of the Illegal Property Transactions Special Investigating Committee, Apr. 7, 1948. "Hatoyama,

gle over state control of coal mining, the third and final type of lobbying, namely, direct intervention by the special interests affected, is employed. In November, 1947, Kyushu and Hokkaido mine-owners descended on Tokyo, took over a well-known hotel in Kanda ward, and allegedly lavished food and money on any political party members who could be tempted. In addition, the mine-owners invaded the Diet building, button-holed members outside the Mining-Industry Committee room, made themselves at home in the Democratic and Liberal party caucus chambers, and for almost a week personally directed the campaign of rowdiness in the House of Representatives.²⁵ That the *zaibatsu* of the business world stooped to this sordid business is proof that they recognize the new status of the Diet. Previously their lobbying efforts were confined to the all-powerful ministries.²⁶

Designation of the Prime Minister. Political parties reveal their true character during the ordeal of selecting a prime minister. Designating the first prime minister under the new constitution in May, 1947, was difficult. Starting negotiations a week before Diet convocation, on the initiative of the plurality Socialist party, leaders of the four major parties first of all concluded an agreement which practically outlawed the Socialist platform. Rejecting the Liberals' proposal to enter the cabinet on condition that the president of the Liberal party, Yoshida Shigeru, be designated prime minister, the Socialists, Democrats, and Peoples' Coöperatives, through a series of complicated deals and maneuvers, finally patched up a three-party pact, within the framework of the four-party

ex-president of the Liberal Party . . . received one million yen from Tsuji to build himself a new house . . . even the rent for the room of a restaurant which the Liberal Party uses as its headquarters has been paid by such ill-gotten money. People have always entertained various doubts about the supply of funds to political parties, but they certainly must not have guessed that the political world was corrupt to this extent." *Jimmin*, Apr. 17, 1948.

²⁵ In a Socialist party caucus held on Nov. 24, charges were made that "coal mine operators were threatening Representatives supporting the bill within the sacred walls of the National Assembly. . . . By this, it became clear that the confusion, violence, and drag-out tactics employed by the Liberal Party since Nov. 20 were all a part of a prearranged plan. Moreover, it is clear that these actions were conducted under the close supervision of the coal-mine operators." Tokyo *Mimpo*, Nov. 26, 1947. A Socialist member reported: "We went over to the lobby of the Liberal Party. . . . When we got there, there were some coal-mine operators standing around . . . and they challenged us with, 'If you're looking for a fight, here are five of us coal men. We'll take you on at any time!'" *Ibid.*

²⁶ This was accomplished principally through *shokutaku* (non-official staff), full-time employees of banks, insurance companies, industries, and control associations, who occupied offices in the different ministry buildings and participated in the plans and operations of these executive agencies. By Cabinet Order No. 56, promulgated Mar. 16, 1948, the *shokutaku* system was abolished.

agreement, whereby Socialist Katayama Tetsu should be named prime minister and cabinet posts divided between the four parties, the Liberals willing, otherwise between the remaining three. Any prospect of a logical Democratic-Liberal coalition was ruled out by the bitter feud between their leaders, Yoshida and Ashida Hitoshi, the latter a renegade Liberal. It was impossible for two camps as far apart ideologically as the Liberals and Socialists to unite under a Socialist prime minister. Though smarting under the accord which junked their platform and indirectly labeled them political pariahs, the left-wing Socialists nevertheless welcomed the chief cabinet post for the president of their party, whose members had but recently been hounded and jailed under the notorious Peace Preservation Law. Thus, Katayama's name alone was placed in nomination in both Houses ten days after party negotiations started and the third day after Diet convocation. Had the preliminaries been omitted in favor of nomination by each party at the opening of the Diet session, Katayama and Yoshida would have led on the first ballot. Assuming a Katayama victory on the second ballot, with the support of the Democrats, negotiations for a policy agreement and for division of cabinet positions would probably have consumed a month of precious time.²⁷

Although the constitution stipulates that the cabinet must either resign or dissolve the House of Representatives following a no-confidence resolution or failure to obtain a vote of confidence,²⁸ the Katayama cabinet resigned, after nine months in power, under neither of these circumstances. Confronted with a dangerous breach within his own party, Katayama could have provoked a no-confidence resolution with ease,²⁹ which would have given him a choice between resignation or dissolution. But desirous of healing rather than widening the rift in the Socialist

²⁷ Decision on the prime ministership was in absolute doubt until 3:00 p.m., May 23, when a "Big Four" conference broke the four-day deadlock over the chief executive's post. Yoshida had remained the betting favorite until the last minute. A straw in the wind was the selection the previous evening of a Socialist for speaker of the House of Representatives, with the support of the strong Ashida faction of the Democrats and of the People's Coöperatives. Ashida maneuvered the Liberals out of the picture and at the same time prevailed upon the Socialists to keep left-wingers out of the cabinet. Daily articles in *Nippon Times*, May 10-25, 1947.

²⁸ Constitution, Art. 69.

²⁹ The cabinet had decided to increase railway and postal rates by cabinet order for the purpose of raising money with which to pay all government workers a bonus of eight-tenths of a month's salary. But the increased revenues could not be paid until appropriated for that purpose by the Diet. For sound economic and political reasons, the left-wing Socialists in the House of Representatives budget committee were determined to defeat this appropriation measure at all costs. Had Katayama pressed the issue any further, the House of Representatives would have voted against him—an action which would have constituted a vote of no-confidence in the cabinet. *Mainichi*, Feb. 9, 1948.

party, and thinking dissolution and a general election inopportune, he quit without forcing the issue or having it forced upon him.³⁰

The Liberals immediately contended that the Diet was under obligation to designate Yoshida, leader of the largest opposition party, as prime minister. Unconvinced by this argument, the Socialists, Democrats, and People's Coöperatives in the House of Representatives remained in power by designating Democrat Ashida as the new prime minister by a vote of 216 to 180 for Yoshida, though the Councillors favored Yoshida over Ashida, 104 to 102.³¹ Ashida's triumph caused the venerable Saito Takao to withdraw from the Democratic party and issue the following stinging rebuke to those whose views did not coincide with his:³²

"The Democratic leaders recently evaded their responsibility for the Katayama cabinet's downfall, trampled on constitutional principles, and disturbed political order for the sake of an unnatural struggle for power. They showed no signs of self-reflection despite severe public criticism, temporized particularly by accepting, under camouflaged pretexts, Socialists policies which are fundamentally inconsistent with theirs, and thus attempted to deceive the people. Such action is actually identical with making a plaything of politics and is indeed a breach of faith, neglecting the spirit underlying the formation of the Party and being far from the province of a genuine public party."

During the eleven-day interval when Ashida was carrying on this "unnatural struggle for power," the opposition parties were by contrast presumably carrying on a natural struggle for power, employing to that end well-known symbols to drive their arguments home. For example, Liberal party President Yoshida, long accustomed to Western dress in public, suddenly began appearing daily in the Diet building wearing the traditional Japanese *kimono*. At the same time, members of his party, displaying artificial white roses in their coat lapels, delivered soap-box speeches on Tokyo street corners, denouncing the coalition parties for violating "true constitutional principles."³³

³⁰ In a statement explaining his resignation, Katayama referred to "difficulties of the internal situation of political parties. . . . The decision to resign without resorting especially to dissolving the National Diet at this time is due to a serious consideration for the existing situation both within and outside the Cabinet." *Nippon Times*, Feb. 11, 1948.

³¹ Proceedings of the House of Representatives, No. 19, Feb. 21, 1948; Proceedings of the House of Councillors, No. 13, Feb. 21, 1948. Constitution, Art. 67: "If the House of Representatives and the House of Councillors disagree [on the designation of the prime minister] and if no agreement can be reached even through a joint committee . . . the decision of the House of Representatives shall be the decision of the Diet." A joint committee of the Houses met briefly on Feb. 23 and disagreed, thereby completing the requirements for the designation of Ashida by the Diet.

³² *Yomiuri*, Mar. 4, 1948.

³³ "True constitutional principles" is a reference to the normal course under the old system, wherein "political power did not always go to the first party, nor did

Relations with the Executive Branch. Obligated to establish working relations with genuinely responsible cabinets after 58 years of toadying to militaristic and bureaucratic cabinets, the political parties in the Diet were reasonably successful during the first year of the new order. At the outset of the first session, an important issue arose over cabinet appointment of Diet members to posts of parliamentary vice-minister and parliamentary councillor. The Diet Law forbids members concurrently to hold positions in the executive branch except as authorized by law or by Diet consent. When the Katayama cabinet began distributing these coveted government offices among the three coalition parties in the first chamber, precisely as previous cabinets had done since 1925 under Article 10 of the Election Law for Members of the House of Representatives, the House of Councillors and those Representatives who were slighted protested this affront to the dignity of the legislative branch. As a compromise, the Diet agreed to the temporary appointment of 11 parliamentary vice-ministers only, with the understanding that the system would be re-examined at the close of the annual session in May, 1948.³⁴

a government resign *en bloc* simply because it had lost the majority in the Diet. On the contrary, a party cabinet, even if commanding a majority in the Diet, was apt to resign *en bloc* if it came to a deadlock. Then the opposition party, generally a minority, organized a cabinet, dissolved the Diet, became the first party by holding a general election, and remained in power until it failed. This was the usual procedure of party politics under the old constitution." *Mainichi*, Feb. 10, 1948. The "Constitution Safeguarding Movement" was launched six days after Katayama's resignation by the Liberals, Communists, Shidehara Democrats, Independent Club, Japan Farmers, and the National Farmers Union Club. Members who wore the white rose did so in the belief that it was a symbol of true constitutionalism, having its roots in the early nineteenth century. The French had used it, they believed, and Diet members wore the flower in 1912 in protest against the unconstitutional behavior of Premier General Katsura Taro. "Ever since," one veteran politician explained, "the white rose has always bloomed in the dimly lit halls of the Diet building whenever dark political clouds hang menacingly over the Diet, threatening to bring pressure to bear on the constitution." *Jiji Press*, Feb. 19, 1948.

³⁴ House of Representatives Election Law, Art. 10: "Officials and those treated as officials with the exceptions hereafter listed may not combine their offices with membership in the House of Representatives: 1. Cabinet ministers, 2. Chief secretary of the cabinet, 3. President of the Bureau of Legislation, 4. Parliamentary under-secretaries of all ministries, 5. Parliamentary councillors of all ministries, 6. Private secretaries of the premier, 7. Private secretaries of all ministries, 8. Private secretaries to state ministers." Diet Law, Art. 39: "Members cannot be appointed to committees, advisory posts, non-official staff (*shokutaku*), or other similar branches of the Government, unless such an appointment is fixed by law or provided by a decision of the Diet." At the height of the dispute, *Yomiuri*, June 6, 1947, declared: "... we fear from the depth of our hearts that the posts of parliamentary vice-ministers and councillors have become the targets of job-seekers. In the recent election, it was rumored that the vice-ministership and councillorship were worth 500,000 and 300,000 yen, respectively. ... These office-seekers consider that the holding of these government posts will surely mean victory in the next election."

The controversy was reopened in February, 1948, when Prime Minister-designate Ashida started forming his cabinet. In order to appease recalcitrant members of the coalition parties and simultaneously assure a working majority in the unfriendly House of Councillors, he requested Diet consent to double the number of government positions for Diet members. The Law for Temporary Appointment of Parliamentary Vice-Ministers,³⁵ enacted April 7, 1948, satisfied his request but also repealed the Election Law provision which authorized these cabinet raids on Diet membership, thus removing an important cause of vicious inter- and intraparty strife and a means theretofore employed by cabinets to break Diet resistance.

Another tiff between the Diet and the cabinet took place upon the expiration of the original fifty-day special session of the first Diet, when the chief cabinet secretary publicly announced that the cabinet would extend the session three weeks. Next day the Diet *gicho*, supported by all parties, released the following joint statement to the press:³⁶ "In contrast with former procedure, the term of a Diet session . . . is decided by the National Diet itself and not by the government . . . The National Diet receives no directions in this connection The purpose of this announcement is to make clear to the nation the position of the National Diet." Subsequent to this ultimatum, prime ministers desiring an extension of a session have found it advisable personally to present their case to the Diet steering committees.³⁷

The question of cabinet orders was first raised, not by the political parties in the House of Representatives, but by the "impartial statesmen" in the second chamber. Under the constitutional stipulation that cabinet orders may be issued only for the purpose of carrying out the provisions of the basic charter and of Diet-enacted laws, the House of Councillors, midway in the first session, on a tip from one of its standing committee "qualified specialists," executed a clever maneuver which caught the

³⁵ Proceedings of the House of Representatives, No. 39, Apr. 5, 1948; Appendix to Proceedings of the House of Councillors, No. 31, Apr. 7, 1948. Concerning the mad scramble for these posts, *Asahi*, Mar. 18, 1948, pointed out: "The use of an automobile, a private office equipped with a buzzer with which they can call their subordinates at any time, etc., may be the attraction of the position." *Seiji*, Mar. 23, 1948, observed that the objectives claimed for the system "can be readily achieved through the present standing committees composed of Diet members who are authorized to investigate all matters concerning administration. Moreover, the party government system nullifies the need for a special liaison organ between the government and the government parties."

³⁶ *Jiji* Press, June 17, 1947.

³⁷ Prime Minister Ashida, together with his finance minister and the attorney-general, argued the case for extending the second Diet session before committees of both Houses. House of Representatives, Minutes of the Steering Committee, Apr. 22, 1948; House of Councillors, Minutes of the Steering Committee, Apr. 26, 1948.

House of Representatives off balance: it amended the Labor Ministry Bill, already unanimously approved in the first chamber, by substituting the expression "by Diet consent" for "by cabinet order" in the clause providing for the creation of additional bureaus in the Labor Ministry. Irrked by the Councillors' brashness, but overlooking the larger issue, the government parties in the House of Representatives would have maintained their original position, purely as a matter of face, had they been able to muster the necessary two-thirds vote; they acquiesced when the Liberal party gleefully took the side of the Councillors, just as the latter had correctly predicted.³⁸ All parties have since been on the alert for clauses in cabinet bills which impinge upon the Diet's constitutional powers.

Toward the end of the first session, the Diet began showing singular interest in the national budget, which in the past it could neither initiate, increase, nor decrease. When told by Finance Ministry officials that budget-making would still be conducted as before, the budget committee of the House of Representatives, with an eye on Article 83 of the constitution which gives the Diet "power to administer national finances," suggested what may be expected in the not-too-remote future when it announced:³⁹ "Supplementary budgets are being decided by the Finance Ministry, while the House Budget Committee starts deliberations only after the government formally submits the budget to the Diet. In the formulation of budget estimates for the next fiscal year, the Budget Committee requests that it be consulted during their compilation." This shaft was aimed less at the political party leaders in the cabinet than at the bureau chiefs, over whom neither the cabinet nor the Diet exercises much

³⁸ *Yukan Miyako*, Aug. 24, 1947: "The Upper House opposes the original bill approved by the Lower House on the grounds that it tends to encourage bureaucratic despotism by affording ordinance power to establish or abolish government agencies. . . . The House of Representatives, which approved the bill unconditionally, is to blame for its carelessness. . . . Therefore, the sole solution is for the Lower House to frankly admit its fault and to accept the opinion of the Upper House. . . . Both Houses should unite against the cabinet and the bureaucracy." *Shin Yukan*, Sept. 2, 1947: "Another noteworthy point is the attack of the opposition parties led by the Liberal Party which caused the Lower House to yield. . . . The Lower House . . . planned to defy the Upper House and override the amendment by a two-thirds vote." The press generally lauded the House of Councillors for putting the cabinet on notice concerning that clause of Article 73 of the constitution which permits the issuance of cabinet orders only "in order to execute the provisions of this Constitution and of the law."

³⁹ House of Representatives, Minutes of the Budget Committee, Dec. 16, 1947. This statement grew out of the Socialist party executive committee's decision on December 8 "(1) To reform the existing system by breaking the Account Bureau's monopoly of budget deliberations, and (2) To superintend execution of the budget constantly by instituting a Financial Superintendence Committee centered around the National Diet." *Jiji Press*, Dec. 9, 1947.

control. What appear to be conflicts between the Diet and the cabinet are more likely to be contests between the political parties and the bureaucracy.

In a number of skirmishes between the politicians and the bureaucrats, the former have more than held their own. Proud of their position as high-ranking House officials, the newly elected standing committee chairmen concluded that they, like the top bureaucrats, were entitled to official automotive transportation. Accordingly, they served notice on the Transportation Ministry to supply Diet standing committees with forty-two vehicles.⁴⁰ The Ministry complied. The Diet library standing committees originated a technique for dealing with bureaucrats. Informed that the Finance Ministry was about to purchase the South Manchuria Railway Library, for which they were also negotiating, the two library committee chairmen threatened the Ministry with a joint resolution of the Houses. Under questioning, the bureaucrats confessed to committing "a technical error by ignoring the Diet, not knowing that Diet interests took precedence over those of the Finance Ministry." The officials were admonished concerning "the malicious and premeditated bureaucratic practice of disregarding the legislature."⁴¹ The Diet obtained the book collection. Rooms in the Diet building for cabinet ministers, their delegates and parliamentary vice-ministers, for years reserved by government fiat, were vacated in the Councillors' wing upon instructions from the Steering Committee.⁴² When the communications committee chairman rebuked a parliamentary vice-minister for "standing on ceremony," the latter said: "If some awkwardness has been apparent to date, it is attributable to our inexperience with the new Diet procedures."⁴³ In keeping with the accepted Japanese principle that the importance of an official's position can be measured by the elegance of his official residence, the Diet bought the luxurious home of a former Japanese prince for the speaker of the House of Representatives, and the palatial estate formerly occupied by a Korean prince for the president of the House of Councillors,⁴⁴ the latter

⁴⁰ Meeting of 21 standing committee chairmen, House of Representatives, with the speaker, June 30, 1947. The House of Councillors held a similar meeting a few days later. On July 24, the Transportation Ministry transferred to the Diet 18 foreign-made military vehicles and a number of sedans requisitioned from various ministries. The Ministry also agreed to furnish gasoline, while the Diet hired the chauffeurs. Previously no committee chairman had ever been furnished an official vehicle.

⁴¹ Minutes, Joint Meeting of the Diet Library Committees, June 26, 1947.

⁴² House of Councillors, Minutes of the Steering Committee, Sept. 27, 1947.

⁴³ House of Councillors, Minutes of the Communications Committee, Oct. 2, 1947.

⁴⁴ The Diet on Aug. 1, 1947, demanded that national property surrounding the capitol be taken over as building sites for the projected library, members' offices, members' apartments, standing committee office buildings, etc. By May, 1948, eight of these frame structures were nearing completion.

residence having been sought also by the Chief Justice of the Supreme Court.

In their relations with the cabinet, Diet political parties have been guilty of some excesses. When the prime minister, under a provision of the Police Law, submitted the names of five public safety commissioners for Diet confirmation, the Representatives' Steering Committee rejected them all because the House had had no voice in their selection, and notified the prime minister that a new slate would be drawn up in accordance with the desires of the major political parties.⁴⁵ The prime minister stood up for his rights and won. When Prime Minister Katayama asked the House of Representatives to waive constitutional immunity and permit arrest of a Liberal party member charged with defrauding repatriated soldiers of several million yen, the House accepted the accused's resignation rather than set the precedent of forsaking a member upon the request of the executive.⁴⁶

Conclusions. On the positive side of the ledger, the political factions in the National Diet have thus far demonstrated willingness and a certain capacity to exercise legislative powers authorized by the constitution and to experiment boldly with the new aids, devices, and procedures provided by the Diet Law. Government parties in the Diet have coöperated with their cabinet leaders in implementing policy agreements, at the same time jealously guarding the dignity of the legislature and distinguishing between cabinet and bureaucratic programs. Notwithstanding a rigid party discipline closely akin to feudalism, members have bolted all major parties in sufficient numbers to disturb the bosses, reflecting, at least in some cases, the force of public opinion and loyalty to principles more than to personalities. Eagerness of Government and Opposition members to return as often as possible to their native domiciles reveals, indeed, as is often charged, prudent consideration of the next general election, but also a wholesome regard for public opinion in their election districts.

The chief dangers to popular sovereignty lie in inherently weak coalition governments, lobbying, and rowdyism. The first of these dangers should be eliminated in the ordinary course of events; spasmodic party-jumping will continue until two or three major parties emerge with sets of principles to which most Diet members can subscribe. A single strong

⁴⁵ House of Representatives, Secretary General's notes on Interparty Conference Proceedings, Feb. 27, Mar. 1, 3, 1948.

⁴⁶ Proceedings of the House of Representatives, No. 11, Jan. 30, 1948. Taking the rostrum in the House to deliver his resignation speech, the accused said: "I am sorry to have caused you trouble . . . I cannot help believing that there is some politics connected with arresting me while the Diet is in session on the suspicion of fraud . . . not an uncommon crime and in my opinion not a serious one . . . I do not see any reason why a Diet member should have to be arrested on this suspicion. I willingly tender my resignation in deference to the position of the members of the Diet, protected by Art. 50 of the Constitution."

party could carry out its program with vigor and assurance, free from jealous, carping political partners and resigned only to the necessity of turning the reins of government over to the opposition when public support wanes. A more sinister threat to successful party government is lobbying, a practice closely related to the financing of political parties and election campaigns of individual members and to the too-common practice of bribery. Public financing of election campaigns, to which all parties are presently committed, combined with the higher salaries which Diet members now receive, should reduce the influence of the *zaibatsu* and the black-market nabobs over party bosses and rank-and-file members, but the baser aspects of lobbying will be stamped out only when an enraged public demands it. Rowdyism, or the spectacular phase of filibustering, places the institution of representative government in jeopardy and lends encouragement to those who favor bureaucratic totalitarianism. The major party leaders, who deliberately promoted one or the other of the two orgies of hoodlumism in the House of Representatives during 1947, could easily abolish this pernicious pastime.

INSTRUCTION AND RESEARCH
TOWARD INTERNATIONAL COLLABORATION IN
POLITICAL SCIENCE: A REPORT ON THE
UNESCO PROJECT, "METHODS IN
POLITICAL SCIENCE"

WILLIAM EBENSTEIN

United Nations Educational, Scientific, and Cultural Organization¹

UNESCO has frequently been criticized for not having devoted enough of its efforts and resources to the social sciences. To some extent, such criticism may appear justified (and not to social scientists alone), and it provides little comfort to know that UNESCO is, in this respect, by no means unique, but reflects orthodox patterns and attitudes in relation to the social sciences. However, its work in this field is hampered *ab initio* by two serious obstacles which do not prevail to the same degree in other scientific disciplines. In the first place, there is the lack of international associations of social scientists. UNESCO is not a university or research center which aims primarily at the advancement of the frontiers of human knowledge, but is, rather, a clearing house whose main purpose is to make available already existing knowledge for socially and internationally useful purposes. UNESCO can, and does, perform a significant function by planning projects which cannot be carried out by a single country, but depend on the working together of scientists from many parts of the world; such projects, desirable as they may be, cannot be easily realized in those areas of learning, however, in which, as in the social sciences, no—or no effective—international professional organizations exist. Much of the actual research and writing in an internationally planned enterprise has to be "farmed out" to individual institutions and persons in various countries, and the absence of representative international social science associations has constituted a serious obstacle to the implementation of UNESCO programs. The second basic difficulty peculiar to the social sciences is the lack of universally accepted agreement on their nature, contents, methods of research, and—of particular relevance to the problem of scientific communication—terminology. Diversity reigns here triumphant; whereas a reasonable dose of it may produce stimulation and intellectual adventure, excessive variety may reach a point where it can hardly be distinguished from disorder and chaos.

The Second General Conference of UNESCO (held at Mexico City, November 6–December 3, 1947) proposed an international comparative survey of political science, the first social science to be selected for a

¹ On leave, Princeton University, Feb. 1, 1948–Feb. 1, 1949.

stock-taking analysis. There were several reasons why political science was chosen for the pilot project. First, it was held that political science has a direct and important bearing on urgent national and international issues. Second, it was assumed that political science is marked by significant differences of development between various countries and regions of the world. Third, it was widely felt that political scientists are particularly subject to the danger—and not too infrequently the practice—of mixing non-scientific value judgments with scientific statements of fact. Fourth, there was ample evidence in the available work done by students of politics that disinterested research, free from bias and narrow group sentiment, is possible and has, in fact, already produced results worthy of being called “scientific.” Finally, it was believed that political science (as distinct from political speculation) is relatively young among the social studies, and therefore comparatively fresh in outlook and open to new methods and ideas.

The purpose of the project, “Methods in Political Science,” is, in the words of the Conference Resolutions (5.5.1), “to promote a study of the subject-matter and problems treated by political scientists of various countries in recent research materials (scientific publications and high level text-books), the various types of approach and emphasis, the methods, techniques, and terminology employed . . . in recent political science.” Actual work started in February, 1948, and this writer has been assisted in the execution of the project by Dr. Max Salvadori (Italy) and Dr. Kazimierz Szczerba (Poland). It was realized from the beginning that the project could be carried into effect only with the coöperation of scholars in countries in which significant developments in political science had taken place. It would be materially impossible to take stock in Paris (or anywhere else) of the whole field of political science throughout the world, and such operational procedure, even if feasible, would not fit into the general UNESCO work-pattern of utilizing available knowledge whenever possible. About fifty scholars in over twenty countries are contributing (and in many cases have already contributed) papers and reports. In some instances, such papers cover the whole, or most, of the range of political studies in one country; the majority of the papers are limited to those specialized subjects with which the authors are most intimately familiar. The most representative contributions will be published in a symposium volume in French and English (the two official languages of UNESCO), and a Final Report will summarize and analyze the findings of the project.

In defining the nature of the papers to be written, the first issue of terminology arose, *viz.*, the meaning of “political science” for the purpose of the project. If any unity was to be accomplished, there had to be some tentative agreement on scope and contents. In the light of experience and practice, the following topical areas were considered germane to the study

of politics: political theory, including the history of political ideas; national (federal) and local government; constitutional and administrative law; public administration; political parties and public opinion; economic functions of government; comparative political institutions; international relations; international organization and administration; international law. In most countries, only a few of these subject-matter areas have formally developed or have been officially incorporated into university programs. Some writing and research, however, has been done, under different academic tags, by political scientists themselves or, as is more often the case, by lawyers, historians, economists, and sociologists (to mention but a few), simply because no political scientists *per se* as yet exist. It is clear that such incidental attention, producing fragmentary bits of political commentary, has not been favorable to the growth of a systematic and well organized body of knowledge and analysis.

Concerning the problem of method, the core of the project, contributors have been asked to consider some of the following specific queries: (1) What is now the value of traditional approaches, such as the juridical, historical, and philosophical? How far can they still be employed in political science, and in what particular fields most usefully? (2) In what respects has psychology (psychiatry, social psychology, psycho-analysis) influenced the study of the political process? (3) To what extent can the research methods and data supplied by sociology and anthropology be utilized for a more penetrating understanding of political phenomena? This question is based on the assumption, the validity of which bears on theoretical analysis as much as on practical policy, that the key to a political civilization, system, or institution lies in the non-political factors which give it life and meaning. (4) What are the specific materials of a scientific study of politics (personal observation; participation in political—governmental as well as non-governmental—bodies; documents, diaries, memoirs, etc.)? (5) For what kind of investigation is the quantitative method applicable (public opinion polls, election studies, etc.)? (6) To what extent is it possible to achieve qualitative measurement? It is relatively easy to compare political liberty in a country like England with that in an avowed dictatorship of the Right or Left; but it is considerably more difficult to measure political liberty where the contrast is not so obvious, as when comparing Britain with France or the United States. The crude division of political systems into democracies and dictatorships supplies no tools of analysis for comparing and measuring the degree of political liberty existing within the democratic or totalitarian countries. Similar problems of qualitative measurement arise in relation to the efficiency of individual institutions or of whole systems. In the field of international relations, the central problem of the strength of a nation is essentially a problem of qualitative judgment and measurement, as national power is more than the sum total of population, raw materials, and

other quantitative factors. The "alliance potential" of a nation, its civic devotion, the flexibility of its institutions, its technical "know-how," its capacity to endure privations—these are but a few qualitative elements that determine the total strength of a nation. (7) Finally, an aspect of method which may appear purely mechanical, yet substantially affects the quality of the ultimate product: the technique of "group research," coöperatively planned and executed research, as it has developed through private and public bodies in England and, more recently, the United States. In England, group studies of the Royal Institute of International Affairs, the Fabian Society, P.E.P. (Political and Economic Planning), might be mentioned illustratively, while the Social Science Research Council, the Council on Foreign Relations, and the Public Administration Clearing House in Chicago are examples of coöperative research in the United States. In addition, there is the vast body of political research carried on by public bodies in England (royal commissions of inquiry, parliamentary select committees, departmental and inter-departmental committees) and in the United States (congressional investigations, executive committees, departmental research bureaus). In France, parliamentary and executive committees have also been engaged in collectively planned and executed political investigations, and the *Fondation Nationale des Sciences Politiques*, aided by recently established regional institutes, has several major group projects under way which promise to mark an important departure from traditional research techniques. The universities, too, are gradually endeavoring to develop social science research along less individualistic lines than in the past, by fitting the individual research contribution into a larger whole in terms of community priorities or available resources, or both. The organization of social science research committees in major institutions of higher learning in Europe, Asia, Australia, and the Americas will strengthen the work in political science by freeing it from the burdens of isolation and prejudice inherent in "one-man" projects. As long as political study concerned itself mostly with general and speculative issues, the one-man approach might suffice. The more political analysis proceeds from the general to the individual, from the abstract to the concrete, from the speculative to the empirical, the more the inadequacy of the one-man approach becomes apparent.

The seven specific aspects of method listed in no way exhaust the range of research in political science or in any one particular subject-matter area. They are, rather, illustrative examples of the kind of difficulty which political scientists, working in varying environments, are likely to encounter. Contributors to the project, "Methods in Political Science," ordinarily concentrate on those aspects of research which are particularly germane to their own interests. Especially where political science does not exist as yet as a specialized scholarly activity, the awareness of basic research issues may help those who are now pioneering in the systematic

and scientific formulation of political problems. Substantive political phenomena vary enormously, depending on historical, cultural, and economic conditions which determine the character of a given social environment. By contrast, the range of variety with regard to methods of political research is relatively narrow. The communication, and even transmission, of research techniques is less complex than the artificial transplanting of social conditions which give rise to actual political facts and institutions.

Personal contacts in many countries with political scientists who collaborate on the project led to two impressions: first, that political science is marked by exceedingly different levels of development in various areas of the world. National and regional differences of attainment also apply to the other social studies and to the natural sciences. However, the systematic study of politics seems to be neglected even where other social sciences, such as economics, or allied disciplines, such as law and history, are recognized as legitimate branches of learning. This situation is typical not only of countries which are only beginning to organize higher studies of any kind, but of nations which can boast universities four and five hundred years old. The second broad conclusion which emerged from extensive contacts with scholars throughout the world was the generally expressed desire for institutional facilities of coöperation. The UNESCO project, "Methods in Political Science," with its nucleus of political scientists working together on a concrete job, seemed to provide a natural opportunity for exploring the possibilities of such coöperation.

On September 13-16, 1948, an international conference was held at UNESCO House in Paris in connection with the project. This first officially sponsored international gathering of political scientists was attended by the following: Raymond Aron, professeur agrégé à l'École Nationale d'Administration, Paris; Frede Castberg, professor of public and international law, University of Oslo; G. D. H. Cole, professor of social and political theory, Oxford University; John Goormaghtigh, director, Belgian Institute of International Relations, Brussels; Georges Langrod, professor of administrative law, University of Cracow; William A. Robson, professor of public administration, London School of Economics and Political Science; M. Rathnaswamy, vice-chancellor, Annamalai University, Annamalai Nagar, Madras Province; and Walter Rice Sharp, professor of government, City College of New York. At the end of the Conference, the members issued a "Statement" which reads as follows:

A. THE AIMS AND METHODS OF POLITICAL SCIENCE

The large and expanding sphere of government activity in all countries, and the emotions and interests which are aroused by politics, make it highly desirable that both political ideas and political practice should receive disinterested study. It is the aim and purpose of political science to provide such study.

It is legitimate to believe that by this means the political insight and discrimina-

tion of the people may be increased, a more informed public opinion be brought to bear on political problems, and the work of government improved at all levels.

Political science has evolved, in modern times, within the frame-work of national communities. It is characterized, in every country, by distinctive historical traditions, educational organization, constitutional systems, social structures, and philosophical conceptions. To some extent, such diversity is justified. Every scholar takes his problems and guiding concepts from his own environment. He should, however, be aware of these distinctive elements if he is to avoid the double danger of isolation and prejudice.

The aim of international coöperation in this field is not to substitute a uniform treatment of the subject for the prevailing diversity of topics and methods. The juridical, historical, philosophical, sociological, psychological, and statistical methods have all been successfully used in the study of political ideas and institutions, and the topics chosen for attention have differed considerably from country to country. The aim of coöperation is to familiarize scholars with the development of political science in other countries so that they may enlarge the range of their knowledge and mutual understanding.

Students of politics combine fact-finding with value judgment and, from objective study, derive practical conclusions for the improved working of political institutions. They should, however, distinguish between the analysis of verifiable facts and the formulation of value judgments, and should not ignore the political and philosophical attitudes which influence their thought. Frequent contacts between political scientists of different countries would stimulate awareness of these factors. In addition, the diffusion of techniques of investigation would widen the field of inquiry to which strictly positive methods may be applied.

B. THE SCOPE OF POLITICAL SCIENCE

The following list of subject-matter does not claim to be complete or strictly logical in its classification; it was drawn up to indicate the most important fields of study and research comprised in political science.

I. POLITICAL THEORY

- (1) Political theory
- (2) History of political ideas

II. GOVERNMENT

- (1) The constitution
- (2) National government
- (3) Regional and local government
- (4) Public administration
- (5) Economic and social functions of government
- (6) Comparative political institutions

III. PARTIES, GROUPS, AND PUBLIC OPINION

- (1) Political parties
- (2) Groups and associations
- (3) Citizen participation in government and administration
- (4) Public opinion

IV. INTERNATIONAL RELATIONS

- (1) International politics
- (2) International organization and administration
- (3) International law

C. INTERNATIONAL POLITICAL SCIENCE ASSOCIATION

The separation and isolation of students of politics form serious obstacles to the dissemination of political knowledge and the development of improved methods and techniques of research. It therefore seems desirable to create an International Political Science Association in order to facilitate coöperation among political scientists throughout the world.

A Preparatory Committee (Professor Walter R. Sharp, chairman, Professor Raymond Aron, Professor William A. Robson, and Dr. J. Goormaghtigh, secretary) has been set up by this Conference for the purpose of preparing, with the aid of additional members to be co-opted at an early date, a draft constitution of the International Political Science Association to be submitted to an international meeting of representative political scientists which will be held as soon as circumstances permit.

It is proposed that, subject to available means and resources, the activities of the International Political Science Association shall include:

- (1) The encouragement, in all countries, of improved techniques of political organization
- (2) The exchange of information on significant developments in political research and study
- (3) A center of primary documentation
- (4) The publication of a research and information bulletin
- (5) The establishment of an abstract service in political science organizations
- (6) The translation of basic documents
- (7) A microfilm service for the distribution of important source materials
- (8) The organization of meetings and conferences on a geographical and functional basis
- (9) The exchange of teachers and advanced students in coöperation with existing national and international agencies
- (10) Assistance to political scientists in obtaining facilities for investigation outside of their own country
- (11) The encouragement of internationally planned research projects.

At an early stage of the discussion on the aims and methods of political science, the view was expressed by at least one member of the Conference that, in the English language at any rate, the term "science" cannot be applied to the study of politics, and that a clear distinction ought to be drawn between subjects in which values are involved and subjects in which values are not involved. This position of political studies has been recognized at Oxford University, where they are included in the faculty of arts, and not in the faculty of science. Despite this argument, nearly all members of the Conference were in favor of retaining the term "political science," because the essential characteristics of science—inductively obtained and systematically organized knowledge—are not a monopoly of any branch of scholarship and can be successfully applied to the study of government and politics; the weight of usage and practice has also to be considered, since the term "political science" (*science politique*, *scienza politica*, *ciencia politica*, *politische Wissenschaften*, etc.) has established itself for some time now in the world of learning. Concerning the problem

of method, there was general agreement, as is stressed in the first section of the "Statement," that the aim of international coöperation among political scientists should not be artificially induced uniformity of approach, but rather increased awareness of the existing variety of methods and techniques so that scholars "may enlarge the range of their knowledge and mutual understanding." Similarly, the members of the Conference expressed the view that terminological difficulties which beset diplomats, politicians, and scholars cannot be solved by the compilation of an international political dictionary or glossary, as was recently urged by George Bernard Shaw. What is needed is not so much the definition of words as the analysis of specific institutions, such as "parliament" in Britain as compared with that in France, or the administrative class in China as compared with that in India. The obvious differences between opposite political systems (such as democratic and dictatorial) have been elaborated again and again. What is even more useful, from the viewpoint of understanding basic terms, is a comparison of institutions and ideas between similar countries. Such analyses of the nature and working of political institutions in countries with closely related social systems and basic concepts could be planned and executed in the framework of regional or international projects.

The middle section of the "Statement," dealing with the scope of political science, is, like the other two sections, a result of compromise. The description of the contents of political science may prove particularly useful to countries that are actively preparing the organization of political studies in universities and other institutions of higher learning. The list of subject-matter areas is no more than a reflection of the existing situation in some countries, and its claim to be useful rests on nothing but the test of experience. From the viewpoint of logic or theoretical desirability, the list contains redundancies on the one hand and *lacunae* on the other. But it is hoped that such imperfections will be more than outbalanced by the pragmatic advantage of utility. There is no single country in the world in which the subject-matter listed has been fully dealt with, and each can profitably watch, and learn from, the experience, errors, and accomplishments of political science research elsewhere. Generally speaking, one of the conclusions emerging from the Conference was that two areas of political science have made particularly noteworthy progress in the last twenty or thirty years with regard to research methods and techniques: public administration and international relations.

The last section of the Conference "Statement" deals with the projected formation of an International Political Science Association. The members of the Conference felt that it would be too little to limit themselves to a mere declaration of faith concerning the desirability of such an Association, and too much and too premature to set it up at the conference itself.

As a result, the middle solution of setting up a Preparatory Committee was adopted. This Preparatory Committee will soon be enlarged through co-option of additional members, and it is hoped that the "Constituent Assembly" of the International Political Science Association may be held late in 1949 or early in 1950. As in so many other instances of international collaboration, one of the first results of the present effort will be the organization of national political science associations in countries where none as yet exist. The present half-dozen or so national political science organizations will soon be considerably increased as the foundations are being laid for the international association. New national groups in Great Britain and Belgium, to cite but two examples, are in process of formation, and regional associations, possibly in Scandinavia and Latin America, are in the stage of active consideration. Because of the lack of representative national bodies in so many countries, the formation of the International Political Science Association will depend on the good-will and coöperation of individual political scientists. Where effective national associations of political scientists are operating, especially in areas left relatively undamaged by war and destruction, the responsibility of participating in the common effort will be particularly great. If this pioneer project of surveying the problems of political science and organizing political scientists on an international scale shall succeed, the field will be wide open for similar endeavors. UNESCO itself cannot, and should not, set up international bodies, which, if they are to develop properly, must spring from the spontaneous desire and activity of social scientists themselves. But where such desire and activity exist, UNESCO will encourage and assist all forms of genuine international coöperation.¹

THE INTRODUCTORY COURSE IN INTERNATIONAL RELATIONS

RUSSELL H. FIFIELD

University of Michigan

The rapid expansion of courses in international relations on the university level is causing an acute need for a consideration of the contents of the introductory course. More and more political scientists are required to teach international relations, and many of them are not at all certain about what material to cover or what approach to use. The relative new-

¹ Correspondence concerning the International Political Science Association should be addressed to Professor Walter R. Sharp, chairman, Preparatory Committee, International Political Science Association, 28 Woodland Avenue, Bronxville, N.Y., or to Dr. J. Goormaghtigh, secretary, Preparatory Committee, International Political Science Association, 31 rue Montoyer, Brussels, Belgium.

ness of courses in international relations and the lack of any standard criteria have created a situation perplexing to both teacher and student.

The field of international relations may be broken down into international law, international organization, and international politics.¹ The study of international politics is the basic, introductory course in the field. International politics is really a study of the primary factors that enter into the politics of nations as reflected in current international developments. International politics is a new academic discipline only in so far as it involves the selection of certain pertinent material largely from the social sciences and the application of these data to international developments. The study of international politics reflects the present tendency toward the consideration of social science as a whole and away from its artificial division into separate compartments.

The basic course in international relations draws primarily upon five subjects. Diplomatic history gives perspective to international politics and provides a depth of understanding to a subject that would otherwise appear shallow. Political geography contributes to an understanding of the political area and of the international implication of the geographic environment. Comparative government provides valuable material relating to the political framework under which governments operate and the inter-relationship between domestic and international politics. International economics opens an avenue to a greatly expanding and increasingly important phase of international politics. Social psychology provides scientific data on the group behavior of men and women.

Just as the specialist in international politics cannot be an authority on all of these related fields, neither can the diplomatic historian, the political geographer, the comparative government expert, the international economist, or the social psychologist be an authority on all the aspects of international politics. The task of the specialist in international politics is to select the aspects of the related fields that apply to modern world politics. He should have a basic knowledge of the methodology of political science or history and a general knowledge of the other disciplines.

The study of international politics is taking at least three different tangents in the United States. The first tangent is a course based almost solely on current events, frequently taken from the daily headlines of the local newspapers or from the latest radio newswatches. In these courses, the notes of the students are often out-of-date within a few weeks after the beginning of the semester. A day-to-day description of the Palestine situation or of the Berlin crisis may be of interest to the student, but is of little lasting value toward an understanding of the principles *per se* of

¹ Professor Grayson Kirk's *Study of International Relations* (New York: Council on Foreign Relations, 1947) is a *sine qua non* for all students in this field.

world politics. The teaching of international politics as a mere course in current events is at best a shallow procedure. On the other hand, complete oblivion to current events can be as serious a defect. The best solution seems to lie in the frequent illustration of basic principles from current events.

The second tangent in the teaching of international politics is an old offender. Some professors still teach international politics as international organization, despite the more progressive attitude of considering international organization as one of the three great subdivisions of international relations. In the 1920's, courses in international relations were usually courses on the League of Nations, while today some courses labeled international relations relate solely to the United Nations. In the interest of classification, a course should contain what it professes to offer.

The third tangent is to label diplomatic history international politics. Diplomatic history is really a study of the international politics of the past, and every student of international politics should have a general knowledge of it. At the same time, the study of the diplomatic history of Europe or the Far East since the First or Second World War is far more important to the student of international politics than a consideration of the diplomatic history of the French Revolution or of the Taiping Rebellion. The determination of a dividing line is difficult and arbitrary, but great events in modern history like the First and Second World Wars serve as guideposts. As already noted, the specialist in international politics values the work of the diplomatic historian as a specialist in a cognate field; but diplomatic history cannot take the place of international politics as now conceived.

The most valid controversy in the teaching of the introductory course in international politics centers around the issue as to whether a topical or a country approach should be used. For example, should the emphasis be placed on such topics as nationalism and imperialism or on the international rôle of the Soviet Union and the United States in world politics? The main criterion in making a decision should be this: Which approach contributes more toward a permanent understanding of the politics of nations? If the emphasis is placed on a topical approach and frequent illustrations are taken from current international developments, the student will gain insight both into the underlying principles of international politics and into the present international relations of the powers.

The selection of the basic factors that should be used in the introductory course is difficult, and every instructor would have his preferences as determined by his own background and personal evaluation. The following outline is offered only as a possible list of essentials, and no claim is made that it is definitive.

INTERNATIONAL POLITICS

- I. The State System
 - A. Origins and Development
 - B. Present Distribution of States and Dependent Areas
 - C. The Great Powers
 - D. Operation of Power Politics
- II. The Geographic Factor
 - A. Aspects of the Political Area
 - 1. Significance of Location
 - 2. Boundaries in World Politics
 - B. Geopolitics
- III. The Human Factor
 - A. Demography and World Politics
 - B. Influence of Race and Religion
 - C. Nationalism and National Psychologies
 - D. Propaganda in International Politics
- IV. The Economic Factor
 - A. The Strategy of Raw Materials
 - 1. Uranium and the Control of Atomic Energy
 - 2. Petroleum and World Politics
 - B. Economic Nationalism
 - C. Economic Interdependence
 - 1. Basic Aspects
 - 2. Postwar Developments
- V. Imperialism
 - A. General Analysis
 - B. Present World Empires
 - C. Aspects of Liquidation
- VI. War as an Institution
 - A. Fundamental Causes
 - B. Problem of Eradication
 - C. Militarism and Armament
- VII. International Politics and World Organization
 - A. The Legal Framework—International Law
 - B. The United Nations Organization in World Politics
 - C. Regional Organizations: Western Union, Arab League, Pan American Union

An understanding of the state system is fundamental in a study of international politics. The origins and development of the state system give perspective to a consideration of the present distribution of states across the face of the globe. The rise of the Great Powers and their present reduction to two or three explain much of the international tension of today. The operation of power politics through alliances, intervention, compensation, buffer areas, and divide-and-rule techniques should be thoroughly analyzed. A comparison between power politics on the domestic level, as at a party convention, and on the international level, as in a meeting of the Security Council, should be made. The issue of the morality of power

politics in a world of states equal in sovereignty but unequal in power should be considered.

The geographic factor in international politics received considerable publicity as a result of the work of the geopoliticians and as a consequence of the momentous events of a global war. A number of professional geographers became specialists in foreign affairs and some international relations experts were diverted to geography. Since the end of the war, interest in geopolitics has declined in the United States and the geographic aspect of international relations has received less emphasis. Despite this tendency, consideration should still be given to the geographic aspects of the political area and to the ideas of certain of the geopoliticians.

In a study of the political area, the influence of such factors as location, shape, size, form, depth, climate, and topography should be noted. Boundaries are still an important factor in international politics, as is evidenced by the diplomatic fight over Venezia Giulia after the Second World War. An analysis of the types and functions of boundaries, along with a brief survey of the major boundary changes as a consequence of the Second World War, should be made. In the controversial field of geopolitics, no general agreement has yet been reached by American scholars as to the definition, scope, contents, and value of the subject. The student in international politics, however, should at least know the ideas of men like Ratzel, Kjellén, Mahan, Mackinder, Haushofer, and Spykman. Ideas that influence the political activity of men should be studied, even though they may not be valid by fixed standards or new frames of reference.

The human factor in international politics embraces a number of items relating primarily to man himself. Here a consideration is given to the demographic aspect of international politics. The distribution of world population, the problems arising from density, the significant trends in age and number, and the activities of government in the field of population are important factors affecting international politics. No Frenchman can forget the decline in the birth-rate of his country; no Russian can ignore the great increase in the birth-rate of the Soviet Union. Race is a factor in international politics that is more important in the minds of men than on the written pages of fact. The viewpoints of such fanatics on race as De Gobineau, Chamberlain, Stoddard, Grant, Rosenberg, and Hitler should be compared with the ideas of men of science whose viewpoints are founded on the cold logic of research. Nevertheless, Hitler's belief in the master race affected the course of history, and the international implications of race cannot be ignored. The influence of religion in world politics also merits the consideration of the student. The partition of India into Moslem Pakistan and Hindu India is a case in point. The use of religion as a

chauvinistic vehicle of the state, as in Japanese state Shintoism, can greatly affect the morale of the people of a country both in peace and war.

In the beginning course in international relations, considerable time should be devoted to the study of nationalism. Here the emphasis of the historian and the international relations specialist may vary; the former may be more concerned with the evolution of nationalism and the latter with an analysis of the factors making up nationalism. However, the origins, trends, and general nature of the subject should be known to the student of international politics. Especially significant is an analysis of the relationship between nationalism and world peace. Also germane are problems involving minorities inside the state and irredentism outside. Likewise the inculcation of nationalism as a cult of the national state should be considered. Closely related to this inculcation is the use of propaganda in world politics. The resolution of the General Assembly of the United Nations in 1947 on warmongering testifies to the importance of propaganda in international relations.

The economic factor in the study of international politics is growing in importance as more specialists in the field become convinced that the economic needs of states rank near the top in explaining their political behavior. A division of the leading states of the world between "have" and "have-not" nations was popular in the 1930's. Today the two leading world powers belong to the "have" group, but the rivalry between them is as acrimonious as that existing between the "haves" and "have-nots" a decade ago. This observation does not, however, reduce the importance of a study of the strategy of raw materials in modern world relations.

The specialist in international politics will probably have only sufficient time to spend on one or two selected minerals that play a significant rôle in international affairs. One of these is uranium, the present mineral base of the atomic bomb. Here consideration can logically be given to the efforts and failure to control atomic energy on the international level. In fact, the most widely accepted plan, that of the United States, began with the international control of uranium in the mine. Another mineral that the specialist in international politics may desire to stress is petroleum. The politics of petroleum in the Near East is closely related to one of the crucial issues of 1948—the Palestine question. The interest of the powers in strategic and critical materials is certainly a factor in explaining international developments.

Economic nationalism, with its effects on international relations, and the use of dollars or rubles as a vehicle of foreign policy are important aspects of the economic factor in international politics. The Marshall Plan, or European Recovery Program, should not be ignored, as economic and political considerations on the international level entered into its planning and execution. At the same time, the economic interdependence of na-

tions and the myth of complete self-sufficiency on the national level, the efforts to broaden world trade and to stabilize currencies, the international aspects of investment, and the new economic organizations like the International Monetary Fund, the International Bank for Reconstruction and Development, and the International Trade Organization should be considered. In the selection of economic topics for study in the introductory course in international relations, only those subjects directly affecting world politics should be chosen.

Imperialism is another topic meriting analysis and dissection by the specialist in international politics. The ramifications of imperialism in the present decade are evident in the struggle over the disposition of the Italian colonies in Africa, the fighting for independence in Indonesia and Viet Nam, and the proceedings of the meetings of the Trusteeship Council of the United Nations. A knowledge of the basic concepts and motivations of imperialism, together with a brief survey of the present empires of the world and of the efforts to modify or liquidate imperialism through mandates and trusteeships, is valuable. Imperialism may be out-of-date, but manifestations of it are very much in evidence.

A consideration of war as an institution ranks high among the topics in international politics. War as now conducted in an atomic age gravely threatens the future of the human race. Two world wars in less than half a century have affected all of mankind and have changed the course of history. The student of international politics should analyze the causes of war and consider the possibilities of eradication. The psychology of militarism and the problems of disarmament should be studied. The destruction of war as an institution is a great challenge to scholars and statesmen alike. As UNESCO has so aptly stated, wars begin in the minds of men.

Turning from war to peace, the student of international politics should study the peace organization of the world within the framework of international politics. As already noted, international organization and international law *per se* constitute separate subjects inside the broad field of international relations. In the introductory course, only brief consideration should be given to international law; but even here the importance of world politics cannot be ignored. For instance, the Soviet Union does not appear to pay much attention to customary international law, asserting through its representatives that this type of international law is a product of Western and not Soviet ideology. A basic knowledge of the Charter of United Nations is necessary in the introductory course, but the stress should be placed on the operation of the United Nations within the framework of international politics. In fact, the debates of the Security Council are an excellent barometer of the political status of the world. Regional organizations like the Pan American Union, the Western Union, and the Arab League should be considered also, though the student in the intro-

ductory course is again primarily concerned with the functioning of these organizations in world politics.

The problem of bibliography is important in the introductory course in international relations. The student should become familiar with the basic texts and with the viewpoints of the authorities on the subject. Although most of the prewar texts are out-of-date, some are in process of revision and a number of new texts are promised. More important from a bibliographical viewpoint is the desirability of the preparation and distribution by the instructor of a list of publications written by outstanding authorities or prepared by government agencies on the leading topics of the course such as nationalism and imperialism. The student should also become familiar with the best periodicals, containing valuable articles relating to international politics, such as the publications of organizations like the Council on Foreign Relations, the Royal Institute of International Affairs, the American Foreign Policy Association, the World Peace Foundation, the Institute of Pacific Relations, the Brookings Institution, and others. Finally, the student in international politics should acquire the habit of following current developments in reliable newspapers like the *New York Times*.

The introductory course in international relations should fulfill the needs of two classes of students: first, those who want to continue work in international organization and international law or in the international politics of a region like the Mediterranean or the Far East; and second, those who seek only a general understanding of the basic factors underlying the international politics of today. In these times, when the United States shares a heavy responsibility for world peace, the great interest of American university students in world politics speaks well for the future.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

The second edition of the *Directory* of the American Political Science Association is now in the final stages of production and copies will be delivered to subscribers in a short time. Persons desiring additional copies may send orders to the Secretary-Treasurer.

In the November elections, Professor Marshall E. Dimock was chosen a member of the state legislature of Vermont.

At the New Hampshire state Democratic convention held on October 2, Professor Dayton D. McKean, professor and department chairman at Dartmouth College, was elected state chairman for a period of two years.

Professor H. McD. Clokie, of the University of Manitoba, spent the year 1947-48 on sabbatical leave and during part of the time was visiting professor at Stanford University.

Professor Leonard D. White has resigned as chairman of the political science department at the University of Chicago, effective with the autumn quarter, in order to devote his time to research and writing. Professor C. Herman Pritchett has been appointed acting chairman.

Mr. James M. Mitchell, director of the Civil Service Assembly of the United States and Canada and lecturer in political science at the University of Chicago, has been made a member of the U. S. Civil Service Commission.

On December 2 and 5, Professor Carl J. Friedrich, of Harvard University, delivered two lectures at Swarthmore College entitled, respectively, "Montesquieu, the Man and the Thinker" and "The Doctrine of the Separation of Powers."

During the current year, Professor Vincent M. Barnett, Jr., on leave from Williams College, is serving in Rome as Chief, Office of Program Review, U. S. Special Mission to Italy, Economic Coöperation Administration.

Professor Sven Henningsen, of the University of Copenhagen, is visiting professor in the Scandinavian Area Study Program at the University of Minnesota during 1948-49, and is offering a number of courses in the field of the social sciences.

In accordance with the wishes of the late Professor Cephas D. Allin, Mrs. Allin has made a bequest of three thousand dollars to the department of political science at the University of Minnesota, the income to be used for furthering research by younger members of the faculty or by promising students.

During the past summer, Professor Karl Loewenstein, of Amherst College, served with the Reorientation Program of the Office of Military Government for Germany (U. S.) as expert consultant, and lectured extensively to various groups on the institutions and techniques of democracy.

Professor Clyde Eagleton, of New York University, served as a consultant to the Interim Committee of the General Assembly of the United Nations during the summer, and is now director of the University's newly created Graduate Program of Studies in United Nations and World Affairs.

Mr. George A. Warp, recently a staff member in the Division of Civil Information and Education, General Headquarters, Tokyo, and Dr. Alfred de Grazia, who received his doctorate last summer at the University of Chicago, have been appointed assistant professors at the University of Minnesota.

Professor Evron M. Kirkpatrick has resigned his position at the University of Minnesota in order to continue work in which he is now engaged in the U. S. Department of State.

Professor Charles E. Martin, of the University of Washington, is in Japan as a member of a War Department commission to study the teaching of social science in that country. He will return to his duties in Seattle in January.

During the summer of 1948, Professor L. Larry Leonard, of Pennsylvania State College, was employed by the United Nations Secretariat for a study of the problems of under-developed countries and efforts at industrialization.

At Pennsylvania State College, Drs. M. Nelson McGeary and R. Wallace Brewster have been promoted to full professorships. Professor McGeary is serving as head of the political science department.

Professor Rinehart J. Swenson, of New York University, is on sabbatical leave and Professor Ray Harvey is acting as head of the department of political science.

The emergency Westchester Center having been closed, Professor Morley Aycarst has returned from his position as director of this Center to the department of government at New York University.

At Western Maryland College, Dr. Frank Hurt has been advanced to an associate professorship of history and political science.

At the University of Maryland, Dr. Elwyn Mauck, director of the Maryland State Fiscal Research Bureau, is teaching part time in the department of political science.

Professor Joseph M. Ray, of the University of Maryland, was elected in September to the executive secretaryship of the newly revived Maryland League of Municipalities, with headquarters in conjunction with the University's Bureau of Public Administration.

Mr. Raymond W. Foery, who has been connected with the Veterans' Contact Office at the University of Pennsylvania, has resumed full-time teaching in the political science department.

Messrs. Frank Grace, of the University of Illinois, and George A. Peek, Jr., of the University of Virginia, have been appointed instructors at the University of Michigan.

After a period of service in the office of the governor of Arkansas, Dr. Daniel R. Grant has assumed an assistant professorship at Vanderbilt University.

At Pennsylvania State College, Drs. Neal Riemer and Ruth C. Silva and Mr. Lowell G. Noonan have been added to the staff in political science.

Mr. Arnold J. Kuhn has been appointed to an assistant professorship at DePauw University and is giving courses in international law and relations and American diplomacy.

Dr. Barrington Moore, recently at the University of Chicago, is now associated at Harvard University with both the Russian Research Center and the department of social relations and is completing a book on the impact of Marxist doctrine on Soviet politics.

Professor Robert Horn, of the University of Chicago, was a member of the faculty of the Salzburg Summer School of 1948, and subsequently visited Paris and London.

Dr. Don K. Price, associate director of Public Administration Clearing House and lecturer in political science at the University of Chicago, has been appointed a member of the Problems and Policy Committee of the Social Science Research Council.

Starting with the spring term, Mr. Ellsworth Raymond will give courses at New York University relating to the Soviet Union.

Mr. George I. Blanksten returned to Northwestern University in September, after a six-month leave of absence in Ecuador. Under the auspices of the U. S. Department of State, he conducted investigations of the government and politics of that South American Republic.

At Northwestern University, the new chairman of the department of political science is Professor Rollin B. Posey, formerly dean of University College at Northwestern's Chicago campus. Additions to the staff this year included Associate Professor Roland Young, formerly of Carleton College, and Mr. Kenneth W. Thompson, formerly of the University of Chicago.

Political scientists included in the recently established Regional Loyalty Board of the Seventh U. S. Civil Service Region (Illinois, Michigan, and Wisconsin) are Dr. Walter F. Dodd of Chicago (chairman), and Professors Leonard D. White, of the University of Chicago, Rollin B. Posey, of Northwestern University, and Frederic A. Ogg, of the University of Wisconsin.

Mayor Hubert H. Humphrey, of Minneapolis, elected to the United States Senate on November 2, formerly taught political science at Louisiana State University and in 1933-34 headed the political science department at Macalester College, St. Paul. Another Minnesota political scientist won a legislative seat at the same time—Professor William P. Tucker, who succeeded Mr. Humphrey at Macalester, and who now represents a St. Paul district in the state legislature.

Professor Donald G. Bishop, of Syracuse University, has resumed his teaching duties in the field of international relations after nine months of special research at the London School of Economics, the Royal Institute of International Affairs, and Oxford University. While overseas, Pro-

fessor Bishop also travelled extensively in the British Isles, the Low Countries, Germany, and Scandinavia.

Last summer, Professor Arnold Brecht, of the Graduate Faculty, New School for Social Research, worked for fifteen weeks as a consultant with OMGUS in Germany on problems of federalism, democratization, and civil service reform. He also took part in the International Holiday Courses at the University of Munich.

The Gaspar G. Bacon lectures on the Constitution of the United States, delivered at Boston University November 8-10 by Dean Owen J. Roberts, of the University of Pennsylvania Law School, and former Associate Justice of the Supreme Court of the United States, dealt with "The Blueprint and Its Revisions," "Departures from the Blueprint," and "The Present Edifice and Its Future Growth."

Professor Erich Hula is serving this year as dean of the Graduate Faculty of Political and Social Science, New School for Social Research; Professor John H. Ferguson, on leave from Pennsylvania State College, has been appointed dean of the School of Politics and member of the Graduate Faculty; and Professor Hans Simons, former dean of the School of Politics, has been granted another year of leave to continue his present work as chief of Government Structures Branch, Civil Administration Division, OMGUS.

Professor Émile Benoit-Smullyan has left the Associated Colleges of Upper New York to accept a post as economic analyst with the United Kingdom Mission of the Economic Coöperation Administration.

At the University of Michigan, Professor James K. Pollock is on sabbatical leave during the first semester of the current year in order to devote full time to his duties in Washington as a member of the Commission on the Organization of the Executive Branch of the Government. Professor Harold M. Dorr is serving as acting chairman of the political science department during Professor Pollock's absence.

Professor Henry Janzen, of Pennsylvania State College, has been awarded a Senior Fellowship in Slavic Studies by the Hoover Institute of Stanford University. During March, Professor Janzen delivered two lectures at Harvard University—the first, on "The Paradox of Totalitarian Democracy," before a seminar of students and staff members of the Regional Program on the Soviet Union; the second, on "Doctrinal Constants and Variables," before the research seminar of the Russian Research Center.

Professor Robert R. Wilson, of Duke University, returned to the United States in September after a tour of duty with the Department of State during the summer, in the course of which he was detailed to the American Embassy at Manila for approximately six weeks and to the American Embassy at Canberra for about five weeks. Professor Wilson was Adviser on Commercial Treaties in 1944-46, and has subsequently been a consultant in the Department of State. He is on leave from the University during the first semester of the present year, and is engaged in writing and research.

In late August, Professor Harold M. Dorr, of the University of Michigan, participated in adult education conferences on contemporary trends in literature, arts, business, and politics held in four cities of the Upper Peninsula under the auspices of the University of Michigan Extension Service.

Following a leave of absence to permit him to serve last winter and spring as Associate Historian, Civil Affairs Division, Office of the Chief of Staff, U. S. Army, Professor Henry N. Williams returned to his regular duties at Vanderbilt University at the beginning of the fall term.

During the current academic year, Professor Leland M. Goodrich, on leave from Brown University, is visiting professor of international organization and administration in the School of International Affairs at Columbia University. His work at Brown is temporarily in charge of Professor Arthur P. Daggett, of Bowdoin College.

The Argentine Academy of Law and Social Sciences, a non-official organization including the country's leading social scientists, has given Professor Segundo V. Linares Quintana's *Gobierno y Administracion de la Republica Argentina* an award designating it as the best work published in Argentina in the social sciences during the years 1945 and 1946. The volume was reviewed by Professor Austin F. Macdonald in the December, 1947, issue of this journal.

At Indiana University, Professor Edward H. Beuhrig has been granted leave of absence to permit him to be in residence at the Institute for Advanced Study during the fall semester, and Miss Martha Jane Reel has succeeded Miss Grace Thomson as an instructor, Miss Thomson having resigned to accept a fellowship at Radcliffe College.

Mr. Harold L. Enarson, of the Estimates Division, U. S. Bureau of the Budget, has been appointed to an assistant professorship at Whittier

College. Mr. Enarson will assume his duties at the beginning of the spring term, and will conduct courses principally in the field of public administration.

Professor William Hays Simpson, of Duke University, is on sabbatical leave during the first semester of 1948-49 for the purpose of making a study of workmen's compensation in South Carolina. Professor Simpson's study, *Southern Textile Communities*, has recently been published by the Dowd Press, Charlotte, N. C.

At Boston University, Professor T. Noel Stern has been named chairman of an interdepartmental graduate seminar in "Labor Programs and Ideologies," sponsored by the departments of economics, sociology, and government. The central topic of research papers during the current term is "Labor in the 1948 Election."

The University of Chicago announces the appointment of Dr. Leo Strauss, of the New School for Social Research, as professor of political theory. Professor Strauss will take up his work in the spring quarter, 1949. Announcement is made also of the appointment of Mr. Phillips Talbot, associate director of the Crane Foundation and for several years representative of that Foundation in India, as assistant professor of political science.

During the summer of 1948, Professor Roger H. Wells, of Bryn Mawr College, spent three and one-half months in Germany as visiting expert of the Civil Administration Division, Office of Military Government for Germany (US). Dr. Wells was previously (1945-47) branch chief and deputy director of this division.

At Bradley University, Peoria, Illinois, interest in the study of world problems has resulted in the opening of a School of International Studies, starting this past fall under the direction of Dr. Alexander Baird. The new school is designed to coördinate all courses of international significance and to combine a broad political, economic, and historical background with technical courses needed by executives dealing with problems of an international nature.

At the University of Tennessee, Dr. René Williamson has been promoted to a full professorship; Mr. Robert C. DaCosta, Jr., has been appointed assistant professor and will be responsible for developing training programs for public officials in the state; Mr. William Stout has been appointed instructor; Messrs. Thomas Payne and Arthur Bruce Winter

and Miss Charlotte Winans have been appointed instructors and research associates in the Bureau of Public Administration; and Mrs. Virginia Holmes Brown has returned to the Bureau for research and editorial work.

At the University of Pennsylvania, four men received their doctorates at the summer convocation: E. Grant Meade, who has taken a commission in the United States Navy as public relations officer; Alfred H. Cope, who has been appointed assistant professor in the Maxwell Graduate School of Citizenship and Public Affairs at Syracuse University; Kalman H. Silvert, who has accepted an assistant professorship at Tulane University; and Richard B. Johnson, who has joined the political science staff at Tufts College.

Political scientists of the Chicago area met at Roosevelt College on October 20, 1948, to hear Dr. W. Brooke Graves, of the Legislative Reference Service, Library of Congress, on "Occupational Hazards in Government Employment." Faculty members of the Illinois Institute of Technology, the University of Illinois (Navy Pier Branch), Northwestern University, and Roosevelt College attended, and a series of future meetings was planned. Dr. Graves also lectured at Roosevelt College on "Some Problems of Federalism."

During the past summer, Professor B. Mirkin-Guetzévitch, dean of the Faculty of Law and Political Science in the French University (École Libre des Hautes Études) of New York, was reappointed professor in the Institute of Advanced International Studies and co-director of the Section of Public Law of the Institute of Comparative Law at the University of Paris. Jointly with Professor Marcel Prélôt, of the University of Paris, he also was designated editor of a new *Bibliothèque de la Science Politique*, to be published by the Presses Universitaires de France. This collection is planned to comprise eight volumes a year and to include both French and foreign works.

In March, 1947, General Clay approved an application of the minister-presidents of Bavaria, Württemberg-Baden, and Hesse and the president of the Senate of Bremen to establish a common agency for peace questions for the Länder of the U. S. Zone; and a "German Office for Peace Questions" (*Deutsches Büro für Friedensfragen*) was created during the following month. In accordance with a decision of the minister-presidents, it is the task of this office to collect material on all questions concerning a German peace treaty and have them ready in case of future negotiations with the victorious powers. The office is under the supervision of an administrative committee appointed by the minister-presidents, and State Secretary for Württemberg-Baden, Dr. Fritz Eberhard is director, with headquarters in Stuttgart.

The inter-university project to prepare case studies in public administration, shared in by Cornell, Harvard, Princeton, and Syracuse Universities and financed by a grant from the Carnegie Corporation of New York, has produced its first case—an 86-page analysis of the disposal of government-built aluminum plants since the war; and this initial study is being tested at the four universities. The histories are being prepared in Washington by a three-man staff headed by Mr. Harold Stein, former deputy director of the Office of War Mobilization and Reconversion, and production is expected to average about three cases a month over a three-year period. Representatives of the cooperating universities in the work are Professors Wallace S. Sayre of Cornell, Merle Fainsod of Harvard, Donald H. Wallace of Princeton, and Dean Paul H. Appleby of Syracuse.

The Carnegie Corporation of New York has announced a grant of \$130,000 to the Social Science Research Council in support of a program of fellowships and travel grants for research in world areas, and with this aid the Council will continue its national fellowship program set up last year to assist students, teachers, and research workers in field work abroad. The Corporation has announced also a grant of \$10,000 to the University of Minnesota to assist in a program of interdisciplinary research undertaken by the Laboratory for Research in Social Relations.

The Rockefeller Foundation has made a substantial grant to Cornell University for a comprehensive study of governmental controls of subversive activities in relation to their impact on civil liberty. Professor Robert E. Cushman is director of the project, and associated with him are Miss Eleanor Bontecou, formerly of the Department of Justice and of the Civil Affairs Division of the War Department; Professor Robert K. Carr, of Dartmouth College, formerly executive secretary of the President's Committee on Civil Rights; and Professor Walter Gellhorn, of Columbia University.

At the American University School of Social Sciences and Public Affairs, Dr. William L. Reno has been made a full professor of political science; Harold H. Roth has been promoted to the rank of associate professor of public administration; John B. Olverson has been appointed assistant professor of political science, Lowell H. Hattery, assistant professor of political science and director of field studies, and George P. Bush, assistant professor of public administration; and Walter G. Held has been appointed teaching fellow in public administration. In the departments of public administration and political science, Donald P. Brown has been appointed assistant professor of political science.

Financed by private funds, and directed by Dr. Coleman Woodbury, formerly visiting professor at the University of Wisconsin and assistant administrator of the National Housing Agency, a thirty-month Urban

Redevelopment Study has lately been launched, with headquarters at 1313 E. 60th St., Chicago. The study will include investigation not only of programs aimed specifically at eradicating physical decay in cities, but also of "ways of assuring a favorable environment for a vigorous and healthful civic, economic, and social life for all urban dwellers—now and in the future."

The departments of history and political science and public administration at Michigan State College, in conjunction with numerous state and local government research and civic organizations, sponsored their third consecutive Summer Workshop in State and Local Government, July 6-23. The average daily attendance was eighty-five. Much of the success of the program was to be credited to the interest and efforts of State Treasurer D. Hale Brake, who secured the services of state and county officials as panel members, and of Mr. John Huss, director of the Michigan Municipal League and his colleague Professor John W. Lederle, who secured the services of city officials. Panel chairmen included Professors Arthur W. Bromage and Harold M. Dorr, of the University of Michigan; Professor Maurice Ramsay, of Wayne University; Professor D. C. Shilling, of Western Michigan College; and Professors William Combs, Leroy Ferguson, J. Oliver Hall, and James W. Miller, of Michigan State College. The director of the 1948 Summer Workshop was Professor James W. Miller.

Aided by a grant from the Carnegie Corporation, the Social Sciences Division and the Graduate Library School at the University of Chicago are jointly undertaking a study of the desirability and feasibility of setting up a unified reporting system for the social sciences. Opinions of social scientists, teachers, students, librarians, public officials, interest-group leaders, and other potential users are being collected with regard to the relative advantages of a yearbook, a journal consisting largely of bibliographical essays, a journal containing abstracts, and other means of publication. The study is being conducted by Bruce Lannes Smith, political scientist, aided by an advisory committee.

The board of directors of the International Institute of Political and Constitutional History recently met for the first time in Paris since the war. After hearing the report of Professor Boris Mirkine-Guetzévitch, executive vice-president, the Board decided to hold the first postwar plenary session of the Institute in 1949 at the Sorbonne. The agenda will include (1) the concept of "political party"; and (2) the evolution of parliamentary régimes during the nineteenth and twentieth centuries. The Institute expects to be able to resume publication of its scientific monographs dealing with various problems of political science and of its official

organ, *Revue d'Histoire Politique et Constitutionnelle*. Until its next session, the Institute will be directed by an administrative commission composed of the president, Julliot de la Morandière, dean of the Faculty of Law of Paris; the vice-president, B. Mirkin-Guetzévitch, dean of the Faculty of Law and Political Science of the École Libre des Hautes Études of New York, and the secretary-general, Henri de Montfort, secretary-general of the Institut de France. American members of the Board of Directors are Professors Robert E. Cushman, Robert M. MacIver, John U. Nef, Cecil Driver, Pitman B. Potter, and Frederic A. Ogg.

At the American University, the Third Washington Semester Group has been organized in the School of Social Sciences and Public Affairs. The program, begun in 1947 as a spring semester program only, with six participating institutions, has been expanded this year to both fall and spring semesters, with six institutions added. The group for the 1948 fall semester consists of twenty-two honor junior or senior students from Birmingham-Southern College, Dickinson College, Hamline University, Lindenwood College, Transylvania College, and Westminster College at Fulton, Missouri. Washington Semester students study public problems which lend themselves especially to research in the nation's capital. The program is under the supervision and guidance of the faculty of the American University, with the aid of a visiting professor from one of the coöperating institutions. Dean Alice E. Gipson, of Lindenwood College, is the visiting professor for the current semester. In order to provide the best possible guidance to the Washington Semester program and to evaluate its contribution to the training of more intelligent national citizens, an advisory committee has been formed consisting of seven American University representatives and an equal number of persons from the community. Members representing the community are A. J. Brumbaugh, vice-chairman of the American Council on Education; Henry P. Chandler, director of the Administrative Office of the United States Courts; Ewan Clague, commissioner of labor statistics in the Labor Department; Ernest S. Griffith, assistant librarian for Legislative Reference Service of the Library of Congress; Claude E. Hawley, chief of social sciences of the Office of Education; C. B. Upham, deputy controller of the currency; and M. L. Wilson, director of the Extension Service of the Department of Agriculture. Committee members from the American University are President Paul F. Douglass; Ernest Posner, director of the School of Social Sciences and Public Affairs; Pitman B. Potter, dean of the Graduate School; Austin Van der Slice, dean of the Undergraduate School; Catheryn Seckler-Hudson, chairman of the departments of public administration and political science; Harold E. Davis, chairman of the Washington Semester Inter-Institutional Committee; Visiting Professor Alice E. Gipson; and Lowell H. Hattery, program coöordinator.

Charles A. Beard. When the program committee of the American Political Science Association asked Charles A. Beard to address the 1947 annual meeting, it had no prescience of his death in the following September a few months short of his seventy-fourth birthday. His friends had long discounted his inveterate whimsical allusions to age and withdrawal while the products of his pen continued to pour without slackening from his home above the Housatonic or from the North Carolina inn that was his winter working place. There was no lack of industry and vigor in the large volume that came from the press early in the new year. To be sure, he had written a few days before the Christmas week meeting: "On my seventy-third birthday, I was sick again, and in dread of pneumonia once more, but Providence and sulpha pulled me through. I hope for ten days more of health, so I can make good the promise of my heart to you." Eight months later, on September 1, he died of anaemia, in harness almost to the end. The equivalent of many lifetimes of work lay behind him. Only the coming years will fully reveal how fructifying is the germinal influence of his thinking. The waves set in motion by a personality that was at once imperial and singularly lovable may be unrecognized, but they will not die nor find a final shore in the generations that succeed those who knew Charles Beard first-hand as master artist and fellow-craftsman in the social studies.

Beard's early home environment in Indiana helped to galvanize his political interest by discussions that, as he once expressed it, recalled enough of the momentous decisions of the middle period of our history to leave with him a sense of the high constitutional statecraft that is fraught with life and death. His father's sympathy and comfortable means as farmer, farm-owner, builder, and part-time banker enabled Beard to have a fling at running a small country newspaper even before he went to college. After his graduation from De Pauw University in 1898, he spent a year at Oxford. It was doubly revealing of Beard that his chief instructor and friend, F. York Powell, who had succeeded Froude as Regius professor of modern history in 1894, found Beard both indefeasibly American and also "the nicest American I ever met," as Powell wrote later. Beard's verve as well as his interests were illustrated in the fact that, only a year out of college and a stranger to England and Oxford, he was instrumental, in company with an American fellow-student and with financial aid from a third person in the United States, in launching Ruskin College as a place where students sent by labor unions could study in the atmosphere of the ancient academic center. This modest event in 1899 was significant enough to warrant an historian of workers' education in calling it the most important step since 1854 when F. D. Maurice founded the London Workingmen's College and enlisted John Ruskin as a teacher. The plaque at the entrance of Ruskin College bears Beard's name as a founder. And the name Ruskin in the title is a clue to standards that the youthful Beard

brought to bear upon industrial society at the turn of the century. His forgotten first book, *The Industrial Revolution*, first published in England in 1901 to sell for a shilling as an aid in adult education, and repeatedly reprinted, was at once a protest against the shabbiness, waste, and cruelty that had accompanied the new technology and a call for confidence in man's ability to shape the means of abundance to wholesome ends.

After a year at Cornell University and his marriage to Mary Ritter, De Pauw classmate, Beard went abroad again for two years of study, travel, and some extension lecturing. His formal work for the doctorate was resumed as Curtis Fellow at Columbia University from 1902 to 1904, when he studied with Burgess, Goodnow, Monroe Smith, and John Bassett Moore. Beard's own teaching began in 1905 as a lecturer in history, and his early writing was in this field in collaboration with James Harvey Robinson. Incidentally, it is said that Beard's seniors among Columbia historians acknowledged his influence in quickening their concern with social history, a fact to be added to the open story of his major rôle in American historiography from the time of the sharp impact of *An Economic Interpretation of the Constitution* in 1913 through the broadening synthesis of his treatments of civilization in the United States.

Meanwhile Beard himself was attracted to the project of a realistic and moving treatment of the modern state. In 1907, advanced to the rank of adjunct professor, he launched within the frame of the graduate department of public law what was virtually an autonomous department with a strong undergraduate following. This was the matrix of *American Government and Politics*, published in 1910. It is needless to speak of this book's consolidating influence in the movement of the time toward descriptive American government as a basic course. Almost as quickly, Beard's constructive rôle in the rising subject of administration was signaled by his contact with the New York Bureau of Municipal Research (now the Institute of Public Administration), especially in the establishment in 1911 of the Bureau's pioneer training school for the public service. In the closing period of Beard's service at Columbia, along with constitutional history, parties, and municipal functions, the theme that increasingly engrossed him was a course on what he called the principles of politics. Political science, he was saying in these years, had become unduly concerned "with minutiae, not great causes and ideas." This did not mean, however, that fruitful theory could come from disembodied classifications.

The year 1917 found Beard a strong advocate of armed intervention by the United States against Germany. The zeal of his own position fortified him in the belief that he should resign from Columbia as a protest particularly against the dismissal of two faculty members opposed to the war. This action has not been without weight in the cause of academic

freedom. It would be unprofitable here to narrate the misunderstandings without which his resignation would probably have been avoidable. Beard quit Columbia to become, as it were, a lifetime *ex officio* member of many faculties while he remained a palpable presence in the group he had left. For several years, he directed and gave courses at the Bureau of Municipal Research as well as lectures at the New School for Social Research. His varied assignments in the twenties included the founding of a bureau of municipal research in Tokyo, where he was also recalled to help in the aftermath of the earthquake. In the thirties, among other tasks of coöperative planning in the field of education, he drafted book-length reports for the Commission on Social Studies of the American Historical Association and for the Educational Policies Commission of the National Education Association—the first on “the nature of social sciences in relation to the objectives of instruction” and the second on “the unique function of education in democracy.” At various times Beard gave lecture series that made him a protracted visitor on a number of campuses. He spent a very busy teaching year at Johns Hopkins and another year as a member of the faculty of political science at Columbia, from which he later accepted the honorary degree by which the university honored itself as much as the recipient. Professor V. O. Key, when introducing Beard at what was to prove his last appearance among political scientists, did not exaggerate the availability of the self-styled Connecticut Farmer and the assistance he had rendered uncounted individual scholars. Such were some of the links to those who teach which Beard delighted to cherish while he pursued his unceasing and amazingly productive writing career. The familiarity of his works makes unnecessary the catalogue which their sheer number would make impracticable.

The American Political Science Association was always close to Beard's interest. As its president in 1926, he was instrumental in creating the Committee on Policy, and he served as its first chairman. His presidential address on “Time, Technology, and the Creative Spirit in Political Science” sounded notes that mingled in the rich chord—a chord not without elements of dissonance—that marked his work as a whole. One note rang the challenge of time, change, and the constantly becoming future. A second note spoke deeply of vast movements such as “the convulsive pressures of technology pouring through time.” The third high note was the possibility and moral responsibility of creative decisions; the older Beard seemed to fear increasingly that they might be tragically wrong. It was not a simple chord, nor was his nature simple. But as his magnificent life is grasped afresh and henceforth as a whole, his readers will hear what was always the dominant timbre of his teaching, amid the alternating moods that were part of his fascination: clarion and confident affirmation.—ARTHUR W. MACMAHON.

BOOK REVIEWS AND NOTICES

The American Democracy; A Commentary and an Interpretation. By HAROLD J. LASKI. (New York: The Viking Press. 1948. Pp. x, 785. \$6.50.)

This is a study of America in terms of the learned professor's experiences, observations, and reflections. The book includes a hundred pages on American political institutions, over one hundred pages on religion and education, a discussion of business and of labor, with agriculture relegated to "Minority Problems." American culture is broadly considered, and the American press, radio, and cinema are treated in another hundred pages. "Minorities" and "America as a World Power" are analyzed. American tradition, philosophy, and "Americanism as a Principle of Civilization" are reviewed.

Much of the volume deals with criticism of American institutions. The writer's special target is American business. Professor Laski sees red when he sees a business man, paradoxically. This chapter might well have preceded all the others, because the point of view coloring the whole work is that the end of the system of private enterprise is inevitable and desirable. Business, he holds, is a religion and religion indeed is a business (p. 170). Labor leaders are ineffective largely because they are not ready or preparing for the "third great revolution." Education and the professions are in a large way a branch of business. The American educational system is largely a mess because "there cannot be a new education without a new society to sustain it" (p. 392). For this, our way of life must be changed as well as the curriculum. An extended chapter deals with the press, the cinema, and the radio in America, which he condemns with right good will—distributing his dislikes equally among the three agencies. It does not appear that he was familiar with *A Free and Responsible Press* issued by the Commission on Freedom of the Press, of which Chancellor Hutchins was chairman. "America as a World Power" is the most sophisticated of the chapters.

Obviously, in so large an undertaking there must be various omissions. But some of these are so startling as to require notice. Professor Laski's knowledge of cities and local government limps badly. For example, he discovers that the city manager plan has little real value: "a pill to cure an earthquake" (p. 162). Interest in the plan dies away rapidly, declares Professor Laski. But in fact there has been increasing interest recently, indicated by the adoption of the manager plan in 150 cities in the last two years. There are now sixteen million (840 cities) living under city manager government. American planning agencies and efforts are given little treatment, although there are 2,000 such boards—local, state, and national. Likewise the omission of reference to developments in the field

of conservation is of no little significance. Agriculture, as indicated above, falls under the general head of "minority" groups. There is no reference to the outstanding activities of women in the American political arena with the exception of the W. C. T. U. (p. 157). Omitting Jane Addams in a volume of some 700-odd pages is a little startling, as in general the rôle of American women in politics, industry, education, and culture.

Social science, with its far-flung activities, is likewise omitted from consideration, while political science in the narrower field is *blotto*. There is no longer, we are told, any real political philosophy in the American democracy. The alleged reason is that political philosophers have "sought to be above the battle" (*sic*) (p. 441).

It is of course impossible to list here the writer's judgments regarding particular problems and personalities. However, Professor Laski's characterization of Theodore Roosevelt as an "adolescent" (p. 712), "a weak man" (p. 734) who shouted to conceal his doubts may be challenged. One may raise the question, what would TR have said about Laski? President Franklin D. Roosevelt fares better, but on the whole it seems to Laski that the President had no sound philosophy and was totally unprepared for adequate change in our social and economic life. That he believed the pathology of American life was occasioned "by the malpractices of evil men" (p. 754) is a broad and untenable statement. Beyond this, Professor Laski makes an interesting comparison between Roosevelt and Lenin (and his successors), to the great advantage of the latter (pp. 758-59).

On the whole, this volume presents Professor Laski in a new and somewhat different rôle. His facts and figures are no longer up to date in many cases and wide gaps are left, as just indicated. The new Laski seems to be a timid, negative man, dogmatic as his language may appear on various pages. The old-time Marxian denounced business enterprise, but he now finds that "rather simple Marxian formulae" (p. 283) are inadequate since the issues go deeper. And again curiously enough, speaking of American business, he says: "If life consisted only in economic relations, it would be difficult to find a society in which there was so full an attempt to realize their full implications" (p. 170).

In his early years, Professor Laski was filled with a spirit of revolution, finding in old Marxian fashion that basic social change cannot be made without violence. Now all this is moderated to a general charge that Americans are not sufficiently alert to the need of basic change.

An astonishing feature of this volume is that the writer seems to write minus after almost every present aspect of American life, yet the minuses add up to a great plus. For America, he iterates and reiterates, is by all odds the most powerful nation in the world. What are the factors on which this status now rests? How can many minuses make plus except by multiplication, and in that case what are the multipliers which transformed America from tribal Indian hunting grounds to its present-day

strength? At this point, Laski's volume lacks both insight and clarity. At times he indicates what some of these factors are, but they are not in the foreground of his intellectual presentation.

In his conclusion, Mr. Laski finds that what America needs is the "ability to conquer both inertia and fear" (p. 761). Many of us who have studied American politics and philosophy would find this analysis very inadequate.

An outstanding quality of America, Mr. Laski discovers, is "kindliness"; so in a kindly American spirit we may say, come again and try again, Professor Laski. We will do our best to help you with the patterns, the meaning, the faith, and the constructive program of emerging American Democracy. A new and startling world is in the making, challenging the united efforts of all who hope to redeem the promise of true democracy.

CHARLES E. MERRIAM.

University of Chicago.

Jefferson the Virginian (Jefferson and His Time, Vol. I). BY DUMAS MALONE. (Boston: Little, Brown and Company. 1948. Pp. xx, 484. \$6.00.)

During the last, or Ph.D., generation of American historiography, there have been many excellent biographies of our lesser statesmen. There have also been some highly distinguished biographies of statesmen of the first rank, most of those works being by men like Beveridge, Freeman, and Sandburg whose doctorates were honorary. The biographies of the great figures of our classic age have been brief or specialized studies, or they have been written for quick sales—the gone-with-the-month-club books. With the exception of Franklin, none of the Founding Fathers has been the subject of an even moderately satisfactory study. This big gap in historical writing will be filled in considerable part by biographies of Washington, Madison, and Jefferson which are now being written, two of them by journalists. They will not be definitive works, for that term can hardly be applied to the study of a great and complex figure, particularly one whose life and writings have fresh meanings for each generation. But they promise to be books worthy of their great subjects.

Professor Malone, formerly editor of the *Dictionary of American Biography*, plans a four-volume life of Jefferson, of which the present volume is the first. It covers almost half of Jefferson's long life, leaving him in 1784 ready to sail for France to serve as American minister. As I have suggested, it seems probable that the completed work will be the most useful biography of Jefferson that we have. If it is not in the greatest tradition of biographies, it is eminently clear, fair, and comprehensive, and it is based upon painstaking research.

The appearance recently of monographs dealing with Jefferson's philos-

ophy and with his relation to humanistic learning serves to emphasize the breadth of his interests and accomplishments. If one is concerned with the political, constitutional, legal, economic, diplomatic, educational, or architectural history of the United States, Jefferson is a major figure in the story. He is of some significance in the history of agriculture, of penology, of several of the sciences, and of mechanical gadgetry.

No biographer could satisfy all who are interested in the many-sided Jefferson. Professor Malone seems, in my opinion, to have concentrated on presenting a complete narrative and a fully rounded study of the *milieu* in which Jefferson lived, at the expense of an adequate treatment of Jefferson's political and constitutional ideas. Professor Malone does give good, brief descriptions of Jefferson's writings, better ones than are to be found in any of the recent biographies; and his discussion of such sometimes neglected episodes as Jefferson's work in the Virginia legislature is admirable. But he generally limits his discussion of the political writings to summaries and very brief commentaries. The ideas, as distinguished from the historical setting, of the Declaration of Independence and the *Notes on Virginia* get three or four pages each, less than is given to several trivial episodes.

Perhaps it is asking too much of a biographer to deal with the meaning and the significance of political ideas. But the subject here is Jefferson, and Jefferson's greatness rests upon a unique combination of qualities in which it is difficult to tell whether the repeated statement of magnificent ideals or the masterful capacity for leadership is more important. In order to understand his place as a symbol of, as well as a spokesman for, American democracy, we need analysis of his timeless insights as well as descriptions of his shrewd strategy and tactics. I know of no formula by which to measure adequacy of analysis, but there is one proposition which does seem both true and relevant: even as political leadership can be understood only when considered in relation to the complex of which it is a part, so the meaning and significance of a great man's ideas can be grasped only when they are examined in relation to those of his contemporaries.

BENJAMIN F. WRIGHT.

Harvard University.

The American Political Tradition and the Men Who Made It. BY RICHARD HOFSTADTER. (New York: Alfred A. Knopf, Inc. 1948. Pp. xi, 378, xviii. \$4.00.)

The Americans, who think of themselves as daring innovators, are surprisingly conservative in their political traditions. In this perplexing hour of history, however, they need to be more than merely nostalgic for the heroic past. To find effective solutions to present problems, they must have an unretouched picture of what constitutes the common elements which have directed political thought and action from the very beginning of our

history. This is the task which Dr. Hofstadter has here attempted.

He has chosen the biographical approach, with modifications. His subjects are seven outstanding presidents from Jefferson to F. D. Roosevelt; two presidential hopefuls, John C. Calhoun and William Jennings Bryan; an anti-slavery agitator, Wendell Phillips; and some of the Founding Fathers and the post-Civil War mediocrities. The treatment is less concerned with detailed life histories than with excerpts illustrating the tenor of political thought in different stages of the respective careers.

Dr. Hofstadter contends that concern for property rights, regard for individual opportunity, and enlightened self-interest as the motivation for social progress have been the core of our political belief until the advent of the New Deal. It may startle those readers who have not kept up with their biographical studies to hear that Jefferson was much less the apostle of democracy than the champion of specific property interests; that the Jacksonian revolution was essentially just "a phase in the expansion of liberated capitalism"; that Lincoln was "thoroughly and completely the politician by preference and training," whose vital test of democracy lay in "its ability to provide opportunities for social ascent to those born in its lower ranks"; that Wilson was a progressive in order to "preserve the essentials of our institutions." But the author makes a good case for his positions.

One must be impressed by the careful scholarship and penetrating incisiveness of the author. His style is bright and sharp, as an axe laid to the underbrush of legend; smooth and clever, as a fresh breeze ventilating the stodgy atmosphere of academic research. He is no iconoclast in the Hall of Fame, but he tolerates no nonsense about the great men of history. Here is a writer who can even make his bibliography into an interesting essay.

If one were inclined to be critical, the complaint would have to be on the score of what was left out rather than what was put in. The reader has a vague suspicion that things are over-simplified; human beings are just too complex, and they say too much that is contradictory in a life-time, to be treated so briefly as in this book. Even the author becomes obscure at times in the relation of his data to his principal theme. It might have been helpful to tie together some loose threads in a summary chapter, instead of leaving the reader dangling at loose ends with the demoralized New Deal liberals. As might be expected, too, the essays are not all of equal merit. The author rises to brilliant heights on some occasions, as in his chapter on John C. Calhoun, "the Marx of the Master Class."

This is the work of a keen and cultivated mind which has organized a prodigious mass of material into a forceful challenge to contemporary reflection on what is commonly called "the American heritage."

ALBERT G. HUEGLI.

Concordia Teachers College.

The Province and Function of Law: Law as Logic, Justice, and Social Control; A Study in Jurisprudence. BY JULIUS STONE. (Sydney, Australia: Associated General Publications Pty., Ltd. 1946. The Carswell Company, Toronto, U. S. and Canadian Agents. Pp. lxiv, 918. \$15.00.)

This book has received rave notices from practically every reviewer who has read it. It deserves every one of them. In sharp contrast with the fragmentary rehash of judicial rationalizations which all too often passes for present-day legal writing in the proliferating law "reviews," Professor Stone has courageously attempted to write the first comprehensive volume on jurisprudence since the flowering of the sociological school. He brought to this task a wide scholarship, keen analysis, and deep understanding. His bibliography includes some 500 books, 900 law review articles, 200 statutes and codes, and 600 judicial opinions. Nor has he merely glanced at these sources; he is genuinely familiar with them. His materials come from all parts of the Western World, with many European books and American articles and decisions included. The major part of the materials, however, as one would expect from a scholar trained in England, are from English and British Commonwealth sources.

The sweep of this work is tremendous. Professor Stone has studied every important work of legal scholarship known to the reviewer, from Montesquieu to Llewellyn, with the single exception of Ernst Freund. His analyses of these writings show careful study, critical appraisal, and sympathetic understanding. When he expounds the views expressed in them, he does so accurately and with a clarity which the authors themselves often lacked. In this "interlocutory sketch," as the author modestly characterizes his work; he has done more to make the study of the nature of the law accessible and comprehensible than any other writer in the English language.

The author belongs to the sociological school of jurisprudence, and he leans heavily on Pound and Llewellyn. It is natural that he should view the study of jurisprudence as more than a logical excursion through a maze of legal rules. Although logic has its place in the law, it also has very serious limitations as a method and as a norm. The section on The Law and Logic, with its devastating analysis of the theory that logic demands a given decision, should be read by every teacher of public law. Our students would be much better served if we ceased to regard the opinion of the court as the most significant element for discussion and turned instead to the social adjustment which the decision seeks to achieve.

In his discussion of the development of legal thought, particularly the flowering of the ideas of natural law into twentieth-century social solidarity and pragmatism, the author is equally penetrating. He points out that the natural-rights ideas which the courts have read into due process of law may be traced to the philosophy of Bentham and Kant as well as to the

doctrines of the common law. The demonstration that natural law has served both as a revolutionary and as a reactionary force at one time or another opens wide vistas for speculation. Perhaps one of the surest tests of the validity of a legal doctrine is its ability to persist through the centuries and to serve several conflicting interests equally well.

The study of the social conditions to which the law must be applied takes the author into each of the social sciences related to jurisprudence. His background in economics and sociology, anthropology, and political science is naturally not as comprehensive as in the law, but it is adequate. Even though he draws his political science rather heavily from Laski, he does not neglect Barker, Beard, Bruce, Corwin, Haines, Jennings, Kelsen, Lasswell, Merriam, Michels, Robson, or Wallas. As a result of his broad reading in the social sciences, he brings to the discussion of sociological jurisprudence ideas which are often neglected. Thus the impact of political science on jurisprudence is by no means limited to the doctrine of sovereignty. The rôle of law as a means of resolving group conflicts (as developed by Ihering); the function of group pressure in promoting social control (from Mannheim); the difficulties of the consent theory as a moral basis of the state (as presented by Lindsay); and the manipulation of symbols as a means to power (elaborated by Merriam) are all grist for his mill.

It is inevitable that a writer on jurisprudence should center his discussion around the meaning of justice. It is impossible for the law and its officers to make decisions day by day without assuming some criterion of justice. But neither the logic of the law nor its traditional concepts can be made to furnish a satisfactory norm for the just law; nor is it hardly possible to dodge the issue by merely hiding in the social facts of the case. The most useful solution to this problem, it is urged, does not rest with any single criterion, but rather in some relationship, and especially in the relationships between social facts. Thus justice is said to be a function of three variables: human wants, the resources for their satisfaction, and the outlets for human tensions which arise because wants and resources do not balance each other. Students of political theory will recall Montesquieu's suggestion that excellence in law derives from the relation of the rule to the physical world in which it is applied. If the Baron could return to study American as well as English politics today, he well might accept Professor Stone's elaboration of his suggestion.

Consistent with this pluralistic view of justice, the law itself is viewed as incapable of definition in terms of a single criterion. "It is best defined in terms of what have been aptly termed 'clusters of attributes' always or almost always present, but in greatly varying proportions and in constant change." With this frame of reference, the study of jurisprudence comes very close to being the study of social science in general, and political science in particular. But it is a social science viewed teleologi-

cally. Thus the significance of social science for jurisprudence is as a means of securing justice, rather than as a method of ascertaining the effect of change on social relationships. If this doctrine were carried one step farther, the law would become applied social engineering, with the most satisfactory adjustment of the variables in the situation as the goal. Such an adjustment can hardly be satisfactory, it would seem, unless it provides "a minimum life for all members of society." But even if we follow Professor Stone this far, we are not yet at our goal. We must still define "minimum" in terms which are more precise and more measurable if we are to have confidence in our social engineering. Nevertheless, although Professor Stone has not given us a gyro-compass, his analysis of the function of law in relation to the complex variables of modern society is a good start in the right direction.

Professor Stone has not written his book for high school students, or even for undergraduates. While his style is clear and he makes his points as simply and as directly as possible, his problems, by their very nature, are complicated and theoretical. One who has not had a considerable background in social science and law is likely to miss the significance of much of the discussion. But the volume can be recommended without reservation to the political science profession and to graduate students who are interested in either political theory or public law. No one can read the discussions and criticisms of Duguit, Stammer, Savigny, or Maine—to mention only a few—without obtaining a much better grasp of some of the more difficult problems in political theory. Nor is there any better way to bridge the gap between political theory and public law than the study of jurisprudence—particularly as it has been developed in this book.

RODNEY L. MOTT.

Colgate University.

State Labor Relations Acts; A Study of Public Policy. BY CHARLES C. KILLINGSWORTH. (Chicago: University of Chicago Press. 1948. Pp. x, 328. \$4.00.)

Because of our federal form of government, both nation and states have made significant contributions to the development of public policy. In recent years, however, attention has been focused on the national government in the formulation of policy. This has been particularly true in the field of labor relations. The enactment of the Wagner Act and the ensuing problems of administration tended to divert attention from the state and local problems in the field of labor-management relations. Dr. Killingsworth's study of the problem at the state level emphasizes, for the first time, significant experiments and contributions to public policy at the local level. Labor relations legislation has been adopted in eleven states.

Forty per cent of the non-agricultural labor force of the United States is found in these eleven states.

For the purpose of the author's analysis, these state laws are presented in two categories. Those laws following the pattern of the Wagner Act, and calculated to secure industrial peace by encouraging collective bargaining and by protecting organized labor from the abuses of unfair labor practices, are designated "protective." According to the author's classification, "restrictive" policies are found in those states whose legislation recognizes the right to organize and bargain collectively without actually encouraging collective action. "The objective of this policy is to achieve industrial peace, without making the effort of the protective laws to eliminate low wages, sweat shops, industrial autocracy, and associated economic evils" (p. 21). None of the states has merely reenacted the provisions of the Wagner Act, but the states whose policies are labelled "restrictive" have departed widely and fundamentally from both the substantive and procedural provisions of the national law.

The author has collected, analyzed, and studied comparatively not only the legislation but the administrative procedures and the significant court opinions in those states which are contributing to the development of public policy in the field. Five chapters (Chapters 3-7) are devoted to a study of unfair labor practices touching the activities of employers, individual employees, and unions. Other problems included within the scope of the study are: union representation and election (Chapter 8), the bargaining unit (Chapter 9), election and post-election procedures (Chapter 10), mediation, fact-finding and arbitration (Chapter 11), and jurisdictional problems (Chapter 12) inherent in the federal (dual) system of regulation. The author's conclusions and interpretations are presented in Chapter 13. The volume carries also three fact-packed appendices (Appendix A was prepared by the author's wife), a select bibliography, a table of cases, and a subject index. The text carries excellent documentation. The publication gives every indication of exhaustive research, thoughtful study, and careful preparation. Some appreciation of the scope and thoroughness of the study may be had from an examination of the index of cases cited. The work is not primarily a legal study, yet approximately 400 court opinions have been digested and cited. An examination of the author's handling of legislation and administrative procedures and rulings reveals, likewise, comprehensive study and thoroughness of preparation.

The crux of the inquiry is the attempts in several states to secure industrial peace within the framework of the system of free enterprise. Both the "restrictive" and the "protective" policies recognize labor's right to collective action. The policies differ in their expression of attitudes toward

the union, the individual employee, the employer, and the public interest. The author attacks the study on a problem basis, e.g., strikes, picketing, boycotts, union shop, check-off, injunctions, etc., in an attempt to determine the degree of industrial peace which has been attained under diverse legislative policies and administrative procedures. His conclusions are necessarily tentative. Public policy in the area is in flux; for example, the Michigan law was revised as the book went to press and was declared unconstitutional, at least in part, before this review was written. Expressions of policy in other states is likewise unstable. All of the accepted policies have not been properly implemented, and in some cases policy has not been effectively tested through fair administrative procedures—too frequently “enforcement procedure is poorly adapted to the assigned task.”

The author avoids conclusions on the relative merits of the two lines of policy, saying: “The choice is necessarily one between degrees of imperfection.” He is nevertheless convinced that sound public policy indicates a clear need for state labor-relations acts and that the “state laboratory” method will make a substantial contribution to the formulation of sound public policy. The book is timely, substantial, and sound, and it deserves wide attention.

HAROLD M. DORR.

University of Michigan.

Balance of Power; The Negro Vote. BY HENRY LEE MOON. (New York: Doubleday and Company, Inc. 1948. Pp. 256. \$3.00.)

The sub-title is a better description of the contents of this book than the title. The author argues the thesis of the Negro being the “balance of power” only briefly and without enough attention to political arithmetic to be convincing. Mr. Moon, public relations head of the National Association for the Advancement of Colored People, is concerned primarily with presenting the story of Negro voting in the past and present, and in this he does a very commendable job. Five of the twelve chapters are strictly historical, covering the period from before the American Revolution through the administration of Franklin D. Roosevelt. While these chapters are not original research, they compress the history of the Negro in American politics into compact and readable form.

The author's original contribution is his description of present-day Negro political activity at the grass-roots in three American cities and his chapter on emerging Negro political participation in the South since the disappearance of the white primary and the weakening of some of the other barriers. Another chapter deals with Negro political education through the trade unions, and the author observes that Negroes almost always vote for the more liberal candidate. The author makes vigorous refutation of the canard that the Negro vote is a corrupt or venal one, and he insists

that the Negro is for sale only on the same basis that other American voters are for sale—to the party or candidate that will meet most of their demands and aspirations. A useful chapter observes that the Communist party has exerted more effort to reach the Negro than any other non-Negro group in America. Moon explains its failure to achieve results commensurate with its efforts by the fact that this party simply does not understand the psychology and aspirations of the Negro. It offers him “self-determination for the Black Belt,” when such separateness is the very thing that the Negro does not want. The Negro is thoroughly a product of American culture and simply wants full recognition and participation in it.

The author is cautious when he talks about the Negro vote in 1948. While manifesting the greatest admiration for Presidents Roosevelt and Truman, he feels that the Negro is very uncomfortable in the party of Bilbo and Rankin. The Negro's dilemma is like that of the Dixiecrats; there just is not room enough in the Democratic party for both Harlem and Mississippi. Yet he does not find anything in the recent record of the Republican party to attract any overwhelming Negro vote to it. Apparently neither party can count on having the bulk of the Negro vote for the next few years.

There are a few instances where it would have been better if the author had cited the source of his figures. His interpretation of Reconstruction and the Negro's rôle in it would make some historians unhappy. Basically, the author's attitude is that of a sensitive, intelligent Negro insisting firmly, although with appropriate restraint, on the immediate admission of the Negro to the full privileges of American citizenship. He is a little harsh on and misconceiving of the position of Southern liberal politicians, for whom it is politically suicidal to be openly pro-Negro, but who are the alternative to the Rankins and Bilbos whom Moon so thoroughly detests.

DONALD S. STRONG.

University of Alabama.

The Issue of Compulsory Health Insurance. BY GEORGE W. BACHMAN AND LEWIS MERIAM. (Washington, D. C.: The Brookings Institution. 1948. Pp. ix, 291. \$4.00.)

This book will be a comfort to the American Medical Association. The study was undertaken at the request of Senator Smith, chairman of the subcommittee on health of the Senate Committee on Labor and Public Welfare. Because of wide public interest in the subject, Brookings has made the study available in printed form.

Mr. Bachman and Mr. Meriam explain that the purpose of their study is not to consider specifically the issue of whether the national government should take action in the field of individual medical care. Major attention is devoted instead to the issues involved in a choice between a revolu-

tionary system of compulsory national health insurance and a plan under which the national government would make grants-in-aid to the several states to enable them to develop plans for providing medical care for the indigent.

The authors are correct in asserting, however, that "much of the evidence considered will be of interest to persons" who feel that the national government should take no action "in the field of individual medical care." Not only is the report opposed to a national compulsory plan, but its general tone gives the impression that the authors are hardly enthusiastic over any alternative grant-in-aid plan.

The report is a critical appraisal of available evidence, not the product of new research. Main consideration is confined to the study by the Committee on the Costs of Medical Care (1932) and to the National Health Survey directed by the Public Health Service (1939). The authors stress the limitations of these two surveys and argue that the picture of health and medical care in the United States is brighter than the studies seem to indicate. Further to substantiate their position, Messrs. Bachman and Meriam plough into the widely publicized selective service statistics and come to the conclusion that they "are unreliable as a measure of the health of the nation and cannot be used to show the extent of the medical needs of the country as a whole."

There is no doubt that this Brookings report is a thoughtful and expert consideration of the subject, and that many of the conclusions are inescapable. It is equally true that other able experts have given markedly different interpretations to the same evidence. The Senate subcommittee, in order to obtain a well-rounded picture of the problem, should engage in some supplementary reading.

M. NELSON MCGEARY.

Pennsylvania State College.

La Constitution Fédérale de la Suisse, 1848-1948. BY WILLIAM E. RAPPARD.
(Neuchâtel-Suisse: A La Baconnière. 1948. Pp. 477.)

The Swiss constitution of 1848, the centenary of which is celebrated this year in Switzerland and elsewhere, is an important document for the American observer on two counts. On the one hand, it transformed a confederation of sovereign states into a federal system, establishing a federal executive, a federal legislature, and a federal court and distributing the functions of government between the new federal agencies and the traditional agencies of the individual states. While the federal structure of Switzerland differs in many important respects fundamentally from our federal system, the problem of federal-state relations is fundamental both here and there, and the problems and trends observable in Switzerland

may elucidate the problems and trends with which we have to deal in the United States.

On the other hand, the Swiss constitution of 1848 and the peaceful coöperation of four different nationalities under it has become one of the popular arguments in favor of international federation on a European, if not on a world, scale. The public is treated to the mythological spectacle of a Swiss democracy where for more than six centuries segments of the main European nations have lived together in peace and freedom. This example is held up to the rest of the world for emulation, and we are told that if only the rest of the world would act as the Swiss have acted, their peace and freedom would be as secure as the Swiss has been. A very distinguished writer has recently summarized in a very distinguished publication this popular view of Swiss history in these words: "It was on August 1, 1291, that the mountaineers of three cantons met in a meadow on the shores of Lake Lucerne to proclaim their independence of the Habsburg barons and constitute the 'perpetual league' that has lasted to this day. A hundred years ago, representatives of the free cantons, now grown to twenty-two, assembled to consolidate their union under a new constitution, modeled in many respects on that of the young republic of the United States, at that time just getting into gear but already a model mechanism for a federal system."

On these two counts, Professor Rappard's book makes an important contribution to our understanding of Swiss democracy. Its purpose is three-fold. First, it undertakes to show how and why the old confederation of sovereign states was in 1848 transformed into a federal state. Professor Rappard goes back to the Napoleonic wars which made an end to the old Swiss constitution. He then analyzes the constitution of 1815 and the policies, conflicts, and reforms which culminated in the constitution of 1848. In the second part, Professor Rappard presents an analysis of the main provisions of the constitution and of the steps which led to their adoption. In the third part, the evolution of the constitution is traced through the hundred years of its existence, and the very numerous amendments are analyzed in their impact on the structure and the political life of Switzerland. A tabulation of the original text of the fundamental law and of its successive revisions will prove particularly useful to the scholar. An evaluation of the influence of the constitution of 1848 upon the national destinies of Switzerland rounds out the work.

Professor Rappard shows very clearly the inevitability of centralization in the modern state. The common denominator of the many revisions of the constitution of 1848 has been the weakening of the individual state and the strengthening of the federal government, either directly by adding to its functions or indirectly by giving added powers to the electorate

through the extension of the rights of popular initiative and referendum.

The signal contribution of Professor Rappard's latest volume lies, however, in the field to which his previous major works have already contributed so much, that is, the importance of the Swiss example for international affairs. In a preceding work, Professor Rappard has shown the failure of the Swiss experiment so long as it was based upon international relations in the form of collective security. This book supplements his *Cinq siècles de sécurité collective* in that it shows that Switzerland as a federal state was a result, not of a centuries-old harmony among reasonable and peaceful people, but of a struggle for power culminating in a civil war through which one faction of the nation was able to impress its will upon the other.

HANS J. MORGENTHAU.

University of Chicago.

Deutsche Staatsgestaltung; Gesicht einer Universellen Volksvertretung. By HELMUT UNKELBACH. (Hamburg: Hoffman und Campe Verlag. 1947. Pp. v, 103.)

This book manifests two fundamental weaknesses from which most post-World War II political writing in Germany suffers: first, a distorted vision of the world resulting from the complete spiritual isolation of the Hitler period and the war, and which—within a range of variability—persists even now during the occupation era; second (and closely related), a guilt psychosis which, in stark contrast to the Hitler period, tends to indict the German people and national character far beyond what may be considered justified self-criticism. This little volume, written by a university instructor, tries to draft the outlines of a German political constitution of the future. Typical of German political thought, it does so by devoting nearly half of its contents to a philosophical analysis of the "German national character" which the proposed constitution is supposed to "fit."

The distorted views of Germany in relation to the rest of the world are often grotesque, though far less dangerous and certainly more well-intended than those which characterized the Nazi writers of yesterday. The deep-seated cause of Germany's decline, of which the Nazi system and its consequences are considered to be merely the ultimate effects, is seen in two major German peculiarities, *charakterliche Spezialisierung* and *fachliche Spezialisierung* (freely and probably best translated as specialization of personality and occupational specialization). Through thirty-nine pages which deal with these two alleged basic aberrations of the German mind, it does not become clear what really constitutes the difference between the two, since the author actually explains under both headings the same dilemma attending the history of education everywhere: its growing departmentalization and specialization. Under the condition of

national isolation in which they grew up, the intellectuals among the younger German generation seem to have lost the sense of proportion which would enable them to see the problems in their proper space and dimension. The author uses the wrong approach when, throughout his book, he mistakes universal culture trends for exclusively national forms of behavior.

Thus, it is "*characterliche Spezialisierung*" when German experimental and theoretical physicists do not understand each other (p. 18). "Only in Germany", are there two types of "specialized" orators, the *completely* detached and the *completely* demagogic (pp. 20-21). Even the military defeat is explained in terms of specialization of military minds entirely removed from "scientific-technical" personnel which in its turn provided the scientific and technical media for modern warfare without being understood and appreciated by the military—another "typical German situation" which will recur as often as Germany ventures into modern war. Modern war is therefore the least of the real German callings (pp. 21-22): *Characterliche Spezialisierung* will always defeat the projects of German military success (*ibid.*).

It is, according to Herr Unkelbach, also typical *deutscher Idealismus*, which other people do not share, to strive after the realization of an idea without thought of compromise or detraction. Tolerance, for instance, cannot be realized without reducing it to a point where it can be exploited by the intolerant. Typically, the Weimar system ignored this truth, thus making possible the "legal" ascendancy of National Socialism (p. 26). Other examples from the field of *fachliche Spezialisierung* are not substantially different from the foregoing.

The author's positive suggestions for a better Germany and a German constitution follow the same pattern of tilting against windmills. There is no understanding of the power of either a free public opinion or the desire for reflection on the part of the chief office-holders as potent regulators of democratic behavior. Nor is there any appreciation of the function and necessity of democratic philosophies and *mores* in shaping the life of a nation, particularly of a nation as inclined toward philosophizing as are the Germans. There is a lot of talk about "majorities," "pluralities," "P. R.," "lower and upper houses" (the latter to be wholly composed of an intellectual élite of *Fachleute*, i.e., leading specialists in the fields of science, theology, technology, and arts!). Nothing that is said is new. Much of what is said is odd. There is hardly any connection between the first half of the book which analyzes the "German character" without profundity and perspective and the second half which proposes a constitution. This latter neither fulfills the promise of being constructed along lines which "fit the German nation" nor is necessarily a *democratic* constitution.

This reviewer hopes that out of the unmeasurable tragedy of the

German physical and moral collapse may emerge in the not too distant future a new type of realistic self-analysis. It may, if it comes, prepare the way for a possible synthesis of what is acknowledged as good in Germany's past, on the one hand, and a really democratic way of life, on the other. The book under review does not, in the reviewer's opinion, rate as a step in this direction. It is significant, however, because representative of an important sector of youthful thinking in present-day Germany. As such, it deserves respect as an honest attempt stymied—at least in part—by the conditions of an era and the superimposed difficulties of a generation in Germany, rather than by the author's own shortcomings.

LUDWIG FREUND.

Roosevelt College.

Stalin and German Communism; A Study in the Origins of the State Party.

By RUTH FISCHER. With a preface by Sidney B. Fay. (Cambridge, Mass: Harvard University Press. 1948. Pp. xxii, 687. \$8.00.)

The relationship between the Central Committee of the Communist party of the Soviet Union and the Communist parties in other countries is in the news. Tito in Yugoslavia and Gomulka in Poland appear to have thought the relationship one-sided. Miss Fischer makes this question the subject of her book and focuses on the evidence provided by the history of the German Communist party between the years 1918 and 1929. During several of those years, she was a member of the Central Committee of the Communist party of Germany and one of its representatives on the Presidium of the Communist International. In 1925, she split with the Comintern over what she thought to be the Russian domination it denoted, and she took the stand in her own party to denounce it. She lays Russian domination to Stalin's desire for power. Her book is in considerable measure a bitter denunciation of Stalin as the betrayer of doctrines which she once espoused.

It is probably difficult for disappointed revolutionaries to write with scholarly detachment about events which led to their disappointment. Miss Fischer tries to be critical, but she is frank to state "the lasting admiration I feel for this great revolutionary figure" [Trotsky]. Most of the important documentary references and most of the damaging letters and episodes relating to Stalin are from Trotsky's works. Few reviewers have found Trotsky a detached scholar. It is to be regretted that the few interviews which Miss Fischer had with Stalin are not reported in greater detail.

Miss Fischer is one of those who believe that much, if not all, would have been different if Lenin had lived. She thinks that Lenin did not want a monopolistic State Party in Russia, and that from his deathbed he tried to prevent its development. She explains Lenin's favoring of the coöpera-

tives in Russia during his dying months as part of an effort to supersede the State Party with other forms of organization. Readers of Sir John Maynard's *Russia in Flux* will find a similar thesis explaining Stalin's espousal of a new constitution in 1936. Sir John thought that Stalin likewise lacked confidence in his possible successors and sought to put power in the hands of the people to forestall an unenlightened leadership's gaining control after his death. Miss Fischer finds that Lenin also lacked confidence in his successors and turned to the people.

The book amounts to a history of the Russian party, with alternating chapters on events in Germany, and in the rest of Eastern Europe as well. There is much valuable material, as for example that relating to Karl Radek, whom she apparently knew intimately, and to a lesser degree Manuilsky, who now figures prominently in the United Nations. Both had marked influence on events in the German party. Her experiences with Zinoviev will be important for his biographers. These personal relationships make the book rewarding.

It is to be regretted that after promising a second volume to cover the years 1929-1939, Miss Fischer is unable to resist the temptation to bring the first volume up to date in a final chapter. After nearly 650 pages devoted to the first decade of Russian developments, she hurries through the next two decades in thirteen pages to provide a series of generalizations sometimes including errors of fact, as in classifying the former Chechen-Ingush Republic as a "Soviet Socialist" Republic, which would have ranked it with the Ukraine, when, in fact, it was of a lower category.

JOHN N. HAZARD.

Columbia University.

Czechoslovakia Between East and West. BY WILLIAM DIAMOND. (London: Stevens and Sons, Limited. 1947. Pp. xii, 258. 12/6.)

Mr. Diamond's book, published under the auspices of the London Institute of World Affairs, is based on statistics and official sources of information. The appendices consist of four pages of statistical tables giving the May, 1946, election results, and showing various phases of recent Czechoslovak economic development. There is also a useful seven-page bibliography, an eight-page index, and a map of Czechoslovakia.

The book is divided into three parts. In the first (pp. 1-60), the author traces the political evolution in Czechoslovakia since the Košice Program (April, 1945), which embodied the general principles underlying future development. The Program, however, was interpreted differently by different political parties, although there was general agreement on the basic points. During the preparatory period for the election of a National Assembly, the first division between the Communist and non-Communist parties occurred over the question of who had the right to vote. The

Communists had their way, and the elections were eventually held, with the Communist party polling 38 per cent of the votes, twice as many as its nearest competitor. A new government was formed by Communist Klement Gottwald, and a new program, under the influence of the Communist party, superseded the Košice Program (July 8, 1946).

In the second part of the book (pp. 60-181), which presents the economic developments in Czechoslovakia, the author points out that there were considerable differences of opinion on the methods by which the government should attain its economic and social objectives. These set off long debates which usually ended in compromise between the parties of the National Front. It required, for example, almost six months to prepare the nationalization decrees.

One chapter is devoted to the question of labor, the effects on Czechoslovakia's economy caused by the expulsion of the Germans, and the colonization of the territory formerly belonging to the Germans. In another chapter, the author presents a detailed discussion of the status of industry and foreign trade as a result of the nationalization. Regarding the Two-Year Plan of Economic Reconstruction, launched by the Czechoslovak government on January 1, 1947, Mr. Diamond says that the plan is only a partial one, devoted primarily to the establishment of production goals in basic industries and invested goods.

The third and last part (pp. 181-237) of the book is devoted to foreign policy. Mr. Diamond says that the Czechoslovaks "implicitly recognized what they explicitly denied: that the world was dividing into two camps. And in recognizing that fact, they also admitted the existence of a Slavonic bloc" (p. 227).

The author's conclusions (pp. 228-37) are conveniently summarized at the end of the book. He points out that, in contrast to its pre-Munich position, the new Czechoslovakia has become "an exclusively Slav state"; that its economic geography has radically changed; that the industrial preponderance of the borderlands and the economic weight of Bohemia have declined; that Slovakia has grown in economic importance and has become the field of a large-scale industrialization program, eliminating in this way a source of social antagonism between Slovakia and the Czech lands; that individual small-farm basis has been strengthened not only by distribution of confiscated lands, but by the encouragement of coöperatives and the mechanization of agricultural work; and that private industrial and financial institutions have been severely limited by the nationalization and extensive governmental regulation and encroachment.

Those familiar with the course of political and economic development in other Southeast European countries since the war will find, after reading Mr. Diamond's book, that even though the evolution of Communist power in Czechoslovakia was somewhat slower, the Communist tactics

and pattern of development were the same as elsewhere. As elsewhere in Southeastern Europe, the Czechoslovak Communist party was the most active underground group. It was able to take advantage of its position in the early days of liberation; it had a precisely outlined program, a party discipline, and an effective political organization; it was quick to assume leadership in all popular movements—in the expulsion of Germans, colonization of borderlands, punishment of traitors, etc.

The author has treated ably and in scholarly fashion the economic and political development of postwar Czechoslovakia. He is fully aware of the manifold problems facing the country, and in his concluding note there is a word of caution. "The world that lies somewhere between," he says, "must find a solution somewhere between; but the solution can be found only by experience and in time. The tragedy is that the solution must be worked out in the shadow of the two *colossi* that bestride this now narrow world, whose coöperation can alone assure the stability the world needs and who can contribute so much to make that stability fruitful, but whose mutual suspicion and hostility threaten to bring the world to a disaster which human ingenuity has made possible (p. 237).

WAYNE S. VUCINICH.

Stanford University.

The Price of Power. BY HANSON W. BALDWIN (New York: Harper and Brothers. 1947. Pp. xii, 361. \$3.75.)

We have lived to see power and greatness thrust upon the United States. Yet in a world made one by technology and two by ideology, the dilemma of American foreign policy today is to achieve national security without sacrificing the very values we seek to preserve. Danger now lurks along our national frontiers as it has not done since our pioneering forefathers crushed the Indians. That precious political structure which through three centuries has been building in the New World is less and less safe from Old World attack. Yet we are slowly realizing that what we have achieved in the New World will not be preserved unless the whole world moves toward the goal of freedom for the common man everywhere. We can save ourselves, but only in helping our like-minded neighbors save themselves until that other world behind the Iron Curtain learns to live at peace with itself and with us. We have the power, but at a price. As Mr. Baldwin strives to make us see, "The price of power is huge; it is not ease but toil, not peace but struggle, not wealth but taxes" (p. 322). A hard saying.

In *The Price of Power*, we find many hard sayings. The lessons of World War II, new agencies of warfare, our stocks of raw materials, universal military training, the handling of the draft, the 1947 National Security Act, the Central Intelligence Agency, public apathy toward economic

preparedness, our moral immaturity, fear of alliances, "world governments," military influence in politics, and the concentration of population, industry, and government are among the many aspects of the problem which need rethinking.

In the almost certain event of another war, the author warns us, we may hope for survival and victory only if we undertake the necessary and costly precautions now while there is yet time. The case for our national survival is set forth in the first part of this book. We can be comforted that the elements of power here marshalled render the United States today *the* giant of the earth. But giants have been undone—Goliath, Cyclops, Samson—for having brawn without brains, strength without strategy, virtue without vigilance.

It is in the rest of the book that the comfort-seekers will find little to satisfy them. This part is devoted to a reconsideration of American strategy and tactics, intelligence and research, war readiness, home front defense, the human element, and the monetary costs, with an additional chapter on policy objectives. Impressive arguments support the heroic measures which Mr. Baldwin prescribes for capitalizing upon our present strength, measures which can be adopted only after a radical change in thinking for most of us and a stern shift in our easy-going way of life for all of us. The chapter on policy objectives, in which isolation, a world compact, and a *pax Americana* are rejected in favor of the balance of power is no less persuasive. "... we shall travel no easy road," he concludes (p. 328). To meet its dangers will take the initiative and vigor, the determination and hope, that once made great our national character, while of each of us will be required a new concern for politics, a deeper commitment as citizens, and a disciplined and eternal vigilance. For the price of power will be paid to the last farthing.

The Price of Power is no book to be looked at in the few paragraphs of a review. No review has done or can do justice to the grim lesson which is its purpose, to the insights which it conveys, or, still less, to the skill with which the author has handled the complex elements of our horribly difficult task. Mr. Baldwin and the Council on Foreign Relations have performed a public service in preparing this book; to read it is a public duty.

JAMES T. WATKINS, IV.

Stanford University.

From the League to U.N. BY GILBERT MURRAY. (New York: Oxford University Press. 1948. Pp. 217. \$4.50.)

To his half-hundred publications treating, in about equal numbers, of the Greek world of city-states and our world of national states, the sometime Regius Professor of Greek at Oxford and past president of the British League of Nations Union has added one more title. But though

this begins where his *Ordeal of This Generation* left off—twenty years ago when the League of Nations was at its height—it is not a comparable inquiry into the decline of the League and its resurrection in the guise of the United Nations. Indeed, as a glance at the table of contents shows, the title has not been well chosen. Having expected more, some of us, therefore, may leaf through Chapters IV and IX (respectively entitled “A League of Nations” and “The New League”), and afterwards put the book aside for something more immediately practical.

What Professor Murray has done is to bring together with an introductory chapter a baker's dozen of addresses and other papers, all products of the past decade and a half. Confessing that “few forms of literature are less attractive than a reprint of old speeches when the thrill of the moment has gone . . .,” he justifies the volume on the sole ground that future historians may wish to know how “normal advocates” of League and U.N. thought and felt. That underrates both Professor Murray, who hardly is representative of the average, and his book, which, once started, will not, I think, be put aside for something more practical.

For we fall quickly under the spell of wise and genial reflections. History and philosophy give depth and breadth to political science. Unhurried, urbane, indulgent of his audience, a little weary, more than a little melancholy (for the war has been long and victory is yet far off), the old soldier addresses younger comrades-in-arms. Many of the themes which appear repeatedly in these pages are already familiar from the *Ordeal of this Generation*—the alternation of Cosmos and Chaos in human affairs, the contrasts between the nineteenth and twentieth centuries, the incompatibility of war and civilization, the institutional prerequisites to peace, the international of the mind [Professor Murray's exact wording]—but all bear repetition. We are made to listen and are left to think.

It can only be a matter for gratitude to have between the end-papers of a single volume these selections from scattered note-books. But they make us wish that Professor Murray, following the example of his old chief, Lord Cecil, would now give us the story of the ordeal of this generation as lived and seen since 1928 by one of the more redoubtable of the century's crusaders for a saner world.

Meanwhile there remains the need for a systematic study of international organization “from the League to U.N.

JAMES T. WATKINS, IV.

Stanford University.

Experiment in World Order. BY PAUL MCGUIRE. (New York: William Morrow and Company. 1948. Pp. vii, 412. \$4.00.)

The contemporary problems of the British Commonwealth of Nations may, in the main, be reduced to two issues. One concerns the external rela-

tions of the Commonwealth and colonial Empire to non-British powers. The other involves the changes taking place, both structurally and functionally, within the British family. Mr. McGuire's book is a new contribution to the growing literature touching upon these problems, though it is rather to the former question—the external relations of the Commonwealth—that he devotes his closest attention. The writer is an Australian and is described by his publishers as "historian, critic, lecturer, political economist (and in his lighter moments writer of mystery stories)." Service in the Intelligence branch of the Navy during the war was followed by travel in Europe, the United States, and Canada, and by attendance at various international conferences. The book that has resulted from such qualifications and experiences is characteristic of many that now receive currency. It is written by a man who, not primarily a scholar, has derived from reading and travel various conclusions which he seeks to share with an audience that is not primarily one of scholars. The style, while fluent and readable, is full of familiar journalistic techniques; and the plan of organization, though mainly historical, justifies Mr. McGuire's own statement that "it is a discursive book and it much returns on its arguments" (p. 16). The treatment in general borrows little from the apparatus of scholarship, is lacking in citation of sources, and tends to omit those qualifications and exceptions which distinguish the dogmatic assertion from the probable generalization. The result has much in common, that is to say, with other publications of the "My Meeting With Bevin" or "I Was at Flushing Meadows" variety.

In the historical part of the book, there is no new material. But, to the author, the most important part of his writing is undoubtedly its message. Having read the lessons of history, he emerges as an advocate and presents his case. The British system has proved itself to be a working world order. It has evolved organically and has endured. Its present weakening should not be allowed to become a disintegration, since the Commonwealth meets a world need. With the indispensable coöperation of the United States, the Commonwealth must be developed as the lynch-pin for a new world order. Together with such views, Mr. McGuire reveals his preferences, which are decidedly in favor of Empire and against the United Nations, as well as against the kind of social systems which Labor and non-Labor parties have helped to establish in his own Australia, in New Zealand, and also in the United Kingdom.

Some points in the author's case command warm assent. The ever greater need for the closest and most harmonious coöperation between the United States, Great Britain, and the Dominions can never be re-emphasized enough. If Mr. McGuire's pleading will help, as it may, to convince some readers who would otherwise be unpersuaded, he will have rendered valuable service. Beyond this, his opinions are of dubious valid-

ity. Even the English-speaking world cannot, of itself, maintain peace. To refer contemptuously to the United Nations, as the writer so frequently does (e.g., pp. 12, 17, 364), is to weaken further the one frail existing symbol of world unity. Mr. McGuire dismisses the United Nations charter as an artefact not corresponding to the organic reality of an international society. Yet, without realizing his inconsistency, he speaks of "an age when the Basuto buys a bicycle from Birmingham and he and a Yankee in Connecticut both ride on rubber from Malaya" (p. 2). Had the analysis probed deeper, such faults could have been eradicated from a book which is obviously well-meant.

LESLIE LIPSON.

Swarthmore College.

The Manchurian Crisis, 1931-1932; A Tragedy in International Relations.

By SARA R. SMITH. (New York: Columbia University Press. 1948. Pp. ix, 281. \$3.75.)

At 10 p.m. on September 18, 1931, Japanese armed forces clashed with Chinese troops a few miles north of the city of Mukden. This obscure clash was of epoch-making importance, for the Manchurian Affair, thus initiated, was more than just a new move in Japan's program for the domination of eastern Asia. It was a direct challenge to the brave new concept of collective security, and the failure of world diplomacy to devise an effective reply to the challenge resulted in what Professor Smith properly calls "a tragedy in international relations."

The major part of Miss Smith's excellent monograph deals with the diplomatic activity—and inactivity—at Geneva, Washington, Paris, and London between the afternoon of September 19, when the Manchurian incident was brought officially to the attention of the League Council, and December 10, when the Council voted unanimously to create a Commission of Inquiry—the Lytton Commission. Fourteen months were still to elapse before the League Assembly—by a record vote of 42 to 1, with Siam not voting—found Japan guilty of having violated the League Covenant, but by December 10 the situation had developed along lines that left no doubt as to the ultimate tragic outcome. By that date Japan's "forward policy" had become so firmly entrenched—both militarily in Manchuria and sentimentally at home—that nothing short of armed intervention by the other great powers could have forced its abandonment, and Japan's leaders had by that time ample reason to believe that any form of serious international action lay outside the realm of probability.

Branding as pure myth the oft-repeated story that Secretary Stimson "backed the League to the limit" and that Sir John Simon "left him out on a limb," Professor Smith makes it quite clear that the American

Secretary of State neither went out on a limb nor even backed the League to the limit. Mr. Stimson, in fact, had his own ideas as to the nature of the Manchurian affair and as to the way in which it should be handled—ideas which did not wholly agree with those held at Geneva. Convinced that the affair was primarily an internal struggle for power between Japan's militarists and the "liberal" civilian element led by Baron Shidehara, Mr. Stimson feared that any form of international interference in Manchuria would arouse increased popular support for the Japanese militarists and destroy all hope of Shidehara's continuance in power. On September 23, therefore, he refused to approve a proposal that the Council immediately set up a commission of inquiry in which a representative of the United States should be included. Mr. Stimson's policy did not save Shidehara, and it is quite possible that no joint action by the League and the United States would have checked the Japanese program; but Professor Smith makes a good case to support the view that our refusal to go along with the League on this point and Mr. Stimson's coolness to League proposals on several later occasions during the critical twelve weeks convinced the Japanese that they had no reason to fear joint international action.

The book has no formal bibliography, but Professor Smith's footnotes indicate that she has made full use of the available source material and, with the exception of Takeuchi's *War and Diplomacy in the Japanese Empire*, all the important secondary works bearing upon her subject. The most recent Department of State volumes on Manchuria (published in September) may throw new light upon some minor points, and the documents of the Japanese Foreign Office, when they become available, may justify major revisions. For the present, however, we have here an authoritative and extremely readable study of what may be termed "Act One" of the Second World War. One mildly critical suggestion: the discussion concentrates so strongly upon the rôle played by the United States that the title of the book might properly be amended by prefixing the three words—"American Policy and."

G. NYE STEIGER.

Simmons College.

The United States and China. BY JOHN K. FAIRBANK. (Cambridge: Harvard University Press. 1948. Pp. xv, 384. \$3.75.)

In this sixth volume of the American Foreign Policy Library edited by Sumner Welles, Professor Fairbank of Harvard has made an outstanding contribution to a better understanding of China. For those primarily interested in diplomacy, the title is misleading. Of the 341 pages of text, only the last short chapter deals with "American Policy Toward China;"

yet this is the book's strength. With the possible exception of the Soviet Union, no other country demands more objective analysis than China as a basis for a sound American foreign policy.

Although written by an historian, *The United States and China* has kept the details of chronology to an essential minimum. Admirable success has been achieved in the attempt "to summarize the major patterns of thought and conduct, the major political and economic forms, which China's long past has ingrained in Chinese society, and to show their relation to the current Chinese scene" (p. 4). Herein lies the volume's almost unique value among contemporary studies on China.

Professor Fairbank's evidenced scholarship is unassailable, yet his writing has the simplicity and clarity that provides most engaging readability. Above all, the judgment exercised in the selection of material, the unusual balance maintained on controversial issues, and the very broad coverage make this small volume quite extraordinary. The "China Hand" will find few new facts, but for the specialist as much as the general reader, the superior organization and presentation of the forces in Chinese society will definitely add to his knowledge and appreciation of China today. Although not intended as a textbook, the volume would seem to offer most profitable use for supplementary reading in any social science course dealing with the Far East.

Among the many features of the book, two in particular stand forth: first, the recognition without prejudice of the failures of the Kuomintang, and the reasoned description without bias of the extent of Russian influence on the Chinese Communists; and second, the repeated emphasis on the nationalist character of the Chinese revolution.

One thing is sure—the revolution has gone so far there can be no turning back. What form it will eventually take, no one today is qualified to say. But beyond argument is Professor Fairbank's basic thesis that "it is a choice which the Chinese people must make in China and we cannot make it for them." "It is fundamentally a social issue in the broad sense. . . ." "Our task is therefore how to contribute to solving China's problems more effectively than the Russians can contribute" (p. 341).

Even with the tremendous historical scope of this book, it is difficult to detect an important omission. However, it seems to this reviewer that at least some reference to Stillwell and Hurley is called for in any discussion of recent American relations, regardless of its brevity.

It is a relief not to have pages cluttered up with superfluous footnotes, but this obvious editorial policy for the series does prevent the scholar from following up on the many significant details casually referred to in the text. This shortcoming is partly remedied by the seventeen pages of critically annotated, exceedingly well selected and classified, "Suggested

Readings." General Marshall's Statement on China is also included in the Appendix, and there is a good index.

PHILIP H. TAYLOR.

Syracuse University.

There is Another China; Essays and Articles for Chang Poling of Nankai.

By JOHN LOSSING BUCK *et al.* (New York: King's Crown Press, Columbia University. 1948. Pp. viii, 178. \$2.75.)

This remarkably interesting collection of essays is probably the first Western book to be published in homage to a Chinese scholar. As such, it testifies to the cultural interpenetration which occurs beneath the melodramatic surface of present world politics and to the benign approach which Americans and Chinese have made to one another's ways of living during the past fifty years. As a gesture, it is noble; as a collection of readable, authoritative essays on modern China, it is extremely stimulating.

Dr. Chang, to whom the volume is dedicated, is a celebrated educator with a deep interest in practical national reconstruction. He has been preëminent in North China in educational leadership. Under him, the Nankai Institute of Economics achieved world-wide fame until Japanese artillery fire put an abrupt stop to its work in 1937. Dr. Chang's life is outlined by Dr. Hu Shih, philosopher, litterateur, and former Chinese ambassador to the United States. J. B. Condliffe outlines the practical economic research which Nankai got done under extremely adverse circumstances, and therewith presents an effective critique of Western economic thought as applied to China. Another economic essay by the distinguished team of John and Dorothy Orchard follows this by summarizing the salient features of China's many-faceted economic revolution; they stress the point, too often minimized, that China was no mere land of latifundia in which peasant, land, and landlord comprised the whole of economic experience, but a tremendous manufacturing country—in the original sense of that distorted word—wherein dispersed and specialized industries maintained the material needs of a huge and sophisticated society.

Harold Vinacke, Arthur N. Holcombe, and Quincy Wright present the three political essays, dealing in turn with recent political history, institutional development, and international relations. In each article, the key problem can perhaps be found—implicitly or explicitly—in the growth of the governing process into modern, effective, legal, national form. Professor Holcombe's examination of the draft Chinese constitution in contrast with the Stalin constitution, Professor Wright's convenient summary of China's diplomatic problems, and Professor Vinacke's objective

treatment of Nationalist-Communist rivalry stand out with special interest for political scientists.

Other essays include a brief comment on science education in China; a thought-provoking epitome of Sino-Western agricultural interchange by John Lossing Buck, the outstanding authority on the subject; and discussions of philosophy by W. E. Hocking and of medical problems by E. H. Hume. Arthur W. Hummel's "Portrait of a Scholar" is the only contribution by a professional Sinologue; it is a delightful portrait of a Chinese historian of the eighteenth century. The "Introduction" by President Stuart of Yenching University, who succeeded General Marshall as our ambassador in Nanking, provides insights into the way politics and education affect each other in China.

This book will be valuable to teachers of modern history or Far East courses who want to show their students the enduring values of China and to demonstrate the profound truth that even in war-torn China not all politics is strategy.

PAUL M. A. LINEBARGER.

School of Advanced International Studies.

Cartels or Competition? BY GEORGE W. STOCKING AND MYRON W. WATKINS. (New York: The Twentieth Century Fund. 1948. Pp. xi, 516. \$4.00.)

This is the second of three volumes sponsored by the Twentieth Century Fund on the problem of monopoly. The first eleven chapters, which deal with factual material, were prepared by the co-authors, who were also the research directors of the project. The last chapter, which is a report and recommendation for action, was put out by the committee, of which James M. Landis was chairman.

In discussing the history of the cartel movement, the authors point out that, despite the growth of monopoly in the United States during the latter part of the nineteenth century and the beginning of the twentieth, cartels were not factors to be reckoned with until some twenty years ago. The birthplace of the modern cartel was Germany, where they first appeared in those industries in which the state was an active participant as a producer, but in which private enterprise had a foothold. The tendency was most clearly exemplified at first in the field of mining. Industrial leaders in other countries, especially those in England, became imbued with the economic philosophy underlying cartelization, and even accepted the German industrialists as partners in a program of world-wide economic cooperation. The upshot was the Düsseldorf Conference in 1939 between British and German industrial leaders, which culminated in an agreement to try to replace competition by cooperative exploitation of world markets.

The authors devote considerable space to the forms and scope of cartels, dealing with specific examples, such as the coffee valorization scheme, the control of tea, tin control, and best known of all, perhaps, the chemical combines. Sometimes there was no government aid to or participation in these schemes, but in other instances governments were active partners.

The primary purpose of cartels has been to seek advantages for the participating enterprises, specifically the raising of prices or increasing of profits, often by restricting output. "Any possible benefits to consumers are indirect and incidental." Since such is the case, the need for protection of the public is obvious. Although schemes for registration, regulation, or representation of consumers have been advanced, none of the defenders of cartel agreements has formulated a thoroughgoing plan of protection.

The final chapter is a report of the committee, which points out that a government may choose among five types of policies: (a) do nothing; (b) deliberate encouragement; (c) acceptance and attempt to regulate; (d) nationalization; (e) breaking up cartels and fostering competition. Although the committee declares that no policy followed by a government is likely to consist entirely of any one of these, it states its preference in the following words: "If it can be successfully carried out, the policy of breaking up cartels and fostering competition would offer the best prospects for the United States." The committee declares that the United States, acting alone, might be able to do more than the International Trade Organization, since it leads all other countries in production and trade and could, through its action or inaction, influence the economies of other countries in many ways.

Cartels or Competition? is a comprehensive and scholarly treatise on the economic aspects of this important topic—one which not only scholars, but also legislators and administrative officials, might profitably read. Although beyond the scope of the investigation, one cannot help wishing that the political implications of cartelization could have been studied and somehow woven into this splendid report.

FORD P. HALL.

Indiana University.

Das Budget. BY KURT HEINIG. (Tübingen: J. C. B. Mohr. Vol. I, 1st installment. 1948. Pp. 160. RM 8.00.)

Both the great depression of the thirties and World War II have sharply prodded governments into novel adventures in public finance. In these adventures, fiscal policy has emerged as a principal tool of control over economic development. Because effective budgetary machinery is an essential requirement of resourceful fiscal policy, the budget has greatly gained in importance for the way nations manage their affairs. Governmental budget systems have come to occupy a prominent place among the mechanisms employed in the political process. This evolution makes a

fresh comparative treatment of public budgeting particularly desirable.

Judged by its first installment, Kurt Heinig's scholarly two-volume project on the budget may be expected to win high acclaim for the breadth of its comparative approach. Now living in Stockholm, the author before 1933 was a member of the budget committee of the German Reichstag. During the years of his exile he has turned his practical knowledge into a foundation for extensive theoretical studies. Evidence of the scope of these studies is the large body of footnote references to the budgetary literature of different countries, including the United States, England, France, Holland, Belgium, the Scandinavian countries, Germany, Austria, Switzerland, Italy, the Soviet Union, China, and Japan.

The completed first volume, calling for three further installments, is to contain the following sections: an introduction to the general characteristics of the budget; an historical exposition of the growth of modern expenditure control; an analysis of its ends and means; an examination of its stages and methods; and a study of the political types of expenditure control. The second volume is to present the criteria to govern the making of the budget, usually called principles. This division of the subject-matter may indicate that the author's stress is more on the processes of accountability than on the factors that influence the particular goals of budgetary policy and the rôle of the budget agency in the fields of fiscal planning and executive management.

The close relationship in contemporary government between general economic programs and budget formulation has been acknowledged in the United States in the creation of the Council of Economic Advisers as part of the Executive Office of the President, in which is also located the Bureau of the Budget. Fiscal and economic affairs have recently been blended in a similar way in the British Treasury. Moves like these may suggest that the center of gravity in budgeting is shifting. No such shift, however, is likely to detract from the author's insistence that one of the cardinal values of expenditure control is its utility as a device for securing responsible government.

Fritz Morstein Marx.

Washington, D. C.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

In *The Regulation of Railroad Abandonments* (Harvard University Press, 1948, pp. x, 277, \$4.00), Professor Charles R. Cherington presents a distinctive treatment of one of the functional aspects of a given field of public regulation. One might at first assume that such a specialized approach would leave much to be desired by those interested in general aspects of administrative regulation. There is, however, much in Mr.

Cherington's book to interest the generalist. The entire approach followed is to proceed in analysis from the particular to the general. The book is therefore valuable not only as a substantial authoritative work in its special field; it also presents many general lessons in the fields of administrative law and government and business. The study is based upon an extensive analysis and classification of more than 2,000 railroad abandonment decisions of the Interstate Commerce Commission. Federal experience in the regulation of abandonments has dated from the passage of the Transportation Act of 1920, when the Interstate Commerce Commission was first vested with authority in this area. In the period of nearly thirty years, in which have come the great depression and the Second World War, the Commission's activities have reached into almost every conceivable variation of this problem. It is fitting that the Commission's accomplishments and manner of action be now analyzed and evaluated. The Transportation Act of 1920 effected a substantial revision of the function of the Interstate Commerce Commission. One of the areas in which its functions were expanded was in the control of railroad abandonments, which prior to that time had not been a federal responsibility. The legislative background of the act's abandonment provisions reveals some doubts in the minds of members of the Congress about bestowing upon the Commission absolute powers at the expense of the state governments. Whatever these doubts, evidence is ample to indicate the judicious approach which the Commission has made to the problem. The Commission's political formula in adjudicating abandonment cases has been to balance conflicting interests and to treat each case on its individual merits. In the main, the courts have accepted the Commission's determination as to the best way in which the public convenience and necessity could be served. The actual process of applying so vague a standard as public convenience and necessity to specific cases is described and analyzed by Professor Cherington as effectively as is done anywhere in the literature of administrative regulation. The author's most serious criticism of the administrative machinery for handling railroad abandonments is the great lack of processes for long-range thought and planning. Efforts to establish such machinery outside the Commission have failed. The Commission itself finds great difficulty in rising above the judicial processes of moving from one case to the next and letting the distant future take care of itself.—JOSEPH M. RAY.

Those who have liked and used the third edition of Sait's *American Parties and Elections* will also want to use the fourth edition, revised and brought to date by Howard Penniman (Appleton, Century, Crofts, Inc., 1948, pp. viii, 668, \$4.75.). The chapters are the same in number, exactly the same in title, and—as the new editor confirms in the preface—the

treatment is little different from that of the earlier versions of the work. Part I concerns "The Electorate and Public Opinion"; Part II, "The Nature and History of Parties"; Part III, "Party Organization"; Part IV, "Nominations"; and Part V, "Elections." Nor is the volume greater in size than previous editions. On the whole, it is a revision that is well done. There are, however, a few implicit and unclarified value judgments to be found here and there, as there were in earlier editions. On pages 157-158, for instance, one finds: "Once again, as long as Democracy endures, the remedy must be found in the electorate itself. Things will go on much as they are until the electorate shows more disposition to serve the common good as against special interests . . . and to support the courage of a man of character as against the abject ambitions of a calculating demagogue." Nevertheless, the book will be of considerable value to those wanting texts on, or wanting to study current party structure and organization in, the United States.—PAUL P. VAN RIPER.

In *Recreation Administration in New Mexico* (Department of Government, University of New Mexico, 1948, pp. iv, 39, \$0.50), Dorothy I. Cline and K. Peterson Rose take stock of the performance of their state in the field of recreation and outline a program for future developments. The study stakes out major aspects of recreation administration for review and action, traces briefly important trends in state recreation, and indicates recreation functions of state agencies. Coördination of state programs, a fiscal survey, and a special recreation survey commission to prepare a comprehensive report are recommended. Of value are the appendices, which include some findings and recommendations of the New Mexico Park, Parkway, Recreational-Area Plan of 1939 and information regarding New Mexico's agencies concerned with recreation. Although the study contains little that observers have not found in many states, it has considerable local significance and some comparative value.—ROBERT B. HIGHS AW.

Books concerned with legislation in the United States are generally regarded as vapid reading for any except a limited group of scholars and lawyers. George Frederick Miller's *Absentee Voters and Suffrage Laws* (Washington, D. C.: Daylton Co., 1948, pp. 224) is a welcome exception. The author presents a very full description of the absentee voter and his prerogatives in the several states, enlivened by whimsical anecdotes based upon statutory provisions, court observations, and party organizational practices. Chapters III and IV, relating to the recognition of absentee status, constitute especially valuable reading for the student of government or for the lay citizen. The scope and divergence of existing legislation are well handled, and valuable suggestions for standardization and

improvement are offered. The two final chapters deal with the perennial problem of suffrage rights for the disfranchised citizens residing in the author's own District of Columbia and suggest the extension of absentee voter status in all of the states as a solution.—DAVID W. KNEPPER.

"The emergence of administrative law as a full-fledged bailiwick in the corpus of our law occurred only after the intellectual props had been knocked out from under ponderous constitutional concepts which had blindly denied its existence" (p. 14). "Although this [Dicey's] view has been eviscerated, the rule of law retains virulence in the narrower problems concerned with the judicial review of administrative determinations" (p. 138). As these excerpts serve to show, the instructor in freshman English would have worn out his red pencil on this manuscript, *The Background of Administrative Law* (Associated Lawyers Publishing Co., 1948, pp. ix, 214), by Milton M. Carrow. What need does the book supply, what profit does one gain from reading it? The preface promises a discussion of fundamental principles in the light of the Federal Administrative Procedure Act of 1946. But the reader gains no effective grasp of that statute; and as to fundamental principles, the book offers nothing that has not already been written, more lucidly and with a surer mastery and insight, by numerous authors.—CHARLES FAIRMAN.

FOREIGN GOVERNMENT AND POLITICS

In *L'Oeuvre de la Troisième République* (Montreal: Editions de l'Arbre, 1945, pp. viii, 318), a distinguished group of French scholars has attempted to redress the balance in favor of much-criticized Marianne. The tangible achievements of the Republic are described in three parts: political, economic and social, and scientific and cultural. "How often," writes Professor Mirkine-Guetzévitch in the introduction, "have the mistakes of men been proclaimed the vices of the régime." In his chapter on the dynamics and mechanics of the French parliamentary system, he points out the paradoxical fact that "while in France electoral stability led to ministerial instability, Great Britain, in spite of its unstable electors, enjoyed a stable government"; and he stresses the need for a strong and stable executive, possible only through the existence of large and disciplined parties. Father Ducatillon evokes the long misunderstanding between Catholics and Republicans and traces the rise of the Christian Democratic movement which seems to dominate today. Pierre Cot deals with the foreign policy of the Republic, with special emphasis on its failure during the thirties, which he attributes to the sabotage of collective security by Rightist elements. Jean Weiller shows the relationship between the economic development and the political history of France and analyzes the Popular Front experiment in the light of the ideological con-

flict. Paul Vignaux describes labor's struggle to gain the right to strike, and to collective organization and bargaining. The history of labor legislation, public health, and social security is given by J. Benoit-Lévy and of educational reforms by J. Hadamard. In spite of its immense range, which imposes a somewhat sketchy outline, this short symposium is a useful reminder of the many-sided achievements of the Third Republic.—CHARLES A. MICAUD.

Students of criminal justice will find much to interest them in *An Introduction to the Criminal Law in Australia* (London: Macmillan and Co., 1948, pp. x, 128, \$3.00), by J. V. Barry and G. W. Paton, assisted by G. Sawyer, in collaboration with a number of specialists in Australian law. One of the authors is a judge, the others are law professors, as are most of the collaborators. Published under the auspices of the department of criminal science, Faculty of Law, University of Cambridge, this volume is the sixth in a series entitled, *English Studies in Criminal Science*, edited by L. Radzinowicz and J. W. C. Turner. The purpose of the volume is "to delineate broadly the characteristic features of the criminal law in Australia."⁹ This is accomplished in six chapters, beginning with a valuable historical introduction which treats such problems as the reception of English law; the growth of self-government; the development of the Commonwealth; the question of a federal common law; and the elements of Australian criminal law. Subsequent chapters consider (1) the codes of Queensland and Tasmania and the projected codification in Victoria; (2) the general principles of criminal liability in the common law states of New South Wales, Victoria, and South Australia, and in Queensland, Western Australia, and Tasmania, which have adopted criminal codes; (3) the problems of evidence and procedure; (4) special types of Australian criminal legislation, particularly in the field of immigration and labor; and (5) the methods of punishment and treatment of offenders. Of particular interest is a discussion of the transplanting of the common law from its English homeland to a completely new environment in a relatively isolated continent. This book will be useful not only to specialists in criminal and comparative law, but to students interested in the problems of federalism and institutional growth. In addition to the general index, there is a special index of cases, an appendix, and a brief preface by Professor P. H. Winfield, of Cambridge University.—FRANCIS R. AUMANN.

Postwar Japan has inspired relatively few books, and among them popular explanations or polemics have predominated. Harold Wakefield's *New Paths for Japan* (Oxford University Press, 1948, pp. viii, 223, \$3.75) is therefore welcome. The volume is divided into two parts. The first, growing out of the author's *Japan in Defeat* and entitled "The Evolution

of Modern Japan," creates the context for the second part, "The War and After." Little new ground is covered in the analysis of Japanese society. However, the author, in each of the twelve topics that he discusses, gets to the problem, and by the time he deals with postwar Japan, a valid frame of reference has been created. It is the later part of the book that renders a needed service. The story of Japan since 1945 is told and analyzed. And here, Mr. Wakefield is objective. He does not conceal his conservative bias nor his admiration for the MacArthur administration; yet he does not suppress part of the story to prove his case. One point that he makes has needed expression for a long time: to the critics of General MacArthur who cite his suppression of certain leftist activities as aid to the reactionaries who ruled Japan, the author replies that SCAP's restrictions "have weakened the right and center much more than the left." Although the prognosis for Japan may possibly be over-optimistic, the volume is of value for the scholarly coverage of a neglected field.—PAUL S. DULL.

The new edition of K. C. Wheare's work, *The Statute of Westminster and Dominion Status* (Oxford University Press, 3rd ed., 1947, pp. xvi, 348, \$4.25), takes notice of changes that have occurred since the beginning of 1942, especially by the insertion of thirteen pages (pp. 216a-216m) on the adoption by Australia of sections 2-6 of the Statute (the text of the Australian legislation is given in an appendix), by the addition of a short section (Appendix VI) on New Zealand's attitude toward adoption, and by incidental revisions in other connections. The author makes it clear that he is not concerned to give a full analysis either of Dominion status or of the Statute of Westminster, but merely to show what were the effects of the Statute on Dominion status. Of this topic, the book is probably the best treatment to be found anywhere. Already standard, its third edition certainly needs no extended notice for specialists. Those who are not primarily interested in the structure of the Commonwealth, however, should not be misled by the seeming narrowness of the theme Mr. Wheare has chosen or by the legalistic character of the sections dealing with the position of the Dominions in law after 1931. The real subject is the way in which law and convention are interwoven in British constitutional development. Introduced by a brilliant exposition in the first chapter, this theme is carried along through the whole treatise and gives it broad significance for students of government. Mr. Wheare is a writer of exceptional clarity and penetration. His book deserves the success it has attained.—THOMAS P. PEARDON.

The basic ore in certain areas needs to be mined before the refined metals can be used for manufacture of any sort of articles. Translated into terms of political science, this means that for certain hitherto neglected

regions basic studies must first be made before more advanced studies, using the former as a foundation, can be attempted. William Marion Gibson, formerly of Duke University, has done a good job of mining some of that basic ore in the preparation of *The Constitutions of Colombia* (Duke University Press, 1948, pp. xii, 478, \$6.00). The volume is a compilation of English translations of twelve constitutions which that northern South American state has had in force at one time or another. Colombia has been well chosen for this sort of treatment, inasmuch as that country has given much more meaning to political processes and has paid more heed to constitutional government than have many Latin American countries. Colombia also exhibits the interesting phenomenon of a vacillation between attachment to centralism and to federalism, which has been solved, so the editor states in his preface, by a species of "political centralization and administrative decentralization." Each of the dozen documents included in this collection, ending with the constitutional codification of 1945, is preceded by a note on the "historical background" of the particular constitution and by another on the "political organization" established by the document. The texts are for the most part translated from a standard Colombian collection by Pombo and Guerra, *Constituciones de Colombia*. The translation is well done, and the historical and analytical notes are accurate and informative. The collection should prove useful to students of comparative constitutional law and related subjects.—RUSSELL H. FITZGIBBON.

British health legislation of 1946 provided for the coördination of public and private hospitals under regional boards empowered to exercise extensive control. Frank Hart, a hospital administrator, has collaborated with A. J. Waldegrave, an experienced civil servant and an officer of the Institute of Public Administration, in surveying hospitals as they existed just prior to the effective date of the new law. Their efforts have resulted in a volume entitled *A Study of Hospital Administration* (Stevens and Sons, Ltd., 1948, pp. ix, 188), a brief but meaty discussion of problems, with some suggestions for action. One with only a slight knowledge of hospitals must be impressed with the universality and similarity of problems on both sides of the water. There is, first of all, the increasing utilization of hospitals in Western civilization, with the concomitant shortages of beds, nurses, doctors, and administrators. The student of administration will glean that the problems confronted in large-scale organization, whatever its cardinal task or objective, are much alike. These include coördination, control, personnel, maintenance of physical plant, relations between laymen and professionals, record-keeping, reduction of costs, and over-all planning. The authors have achieved a high order of English prose not too often present in the literature of administration.—JOHN M. PFIFFNER.

INTERNATIONAL LAW AND RELATIONS

A critical and fertile analysis of the tragic diplomacy of the months immediately preceding the outbreak of World War II is presented by Professor L. B. Namier, of the University of Manchester, in his *Diplomatic Prelude, 1938-1939* (Macmillan Co., 1948, pp. xviii, 503, \$5.00). The work is based primarily on the various official diplomatic colored books now published, on documents made available at the Nuremberg trials, and on memoirs and diaries such as those of Count Ciano, Léon Noël, and Sir Neville Henderson. Professor Namier, a master of the incisive adjective and the adroit phrase, runs the gamut of Munich with its attendant before and after appeasements; Hitler's subsequent entry into Prague (through which action he "entered the path of the Second World War," p. 405); growing pressure on Poland (whose rulers underrated the danger and whose policy constituted "a mixture of suspicions, hopes, and illusions," p. 249); the stiffening of Britain; the hesitation and tired defeatism of France, moved largely by defensive conceptions; Russia's distrust and suspicion, together with aggressive rudeness and refusal to compromise (fearing that the Western Powers wished "to manoeuvre it into fighting their battles and bearing the burden which they had assumed in Eastern Europe," p. 203); Poland's fears of both Russia and Germany and her attempted diplomacy of balance; the abortive Anglo-Russian negotiations of the summer of 1939 (containing the "tragic core of diplomatic history during the half-year preceding the outbreak of war," p. 143, and illustrating the Chamberlain government's "deep, insuperable aversion to Bolshevist Russia, such as was not shown in dealings with Hitler or Mussolini," p. 188); the German-Russian treaty of August, 1939 (which created "an absolutely new and extremely acute, situation," p. 281); Hitler's decision to strike ("I shall give a propagandist reason for starting the war—no matter whether plausible or not. The victor will not be asked whether he told the truth. In starting and making war, Right does not matter but Victory," p. 303); Mussolini's "agonized indecision" (p. 327), and his attempt at mediation; and, finally, war itself. The author carves in sharp relief the tragic characteristics of the period—the endless shilly-shallying, vacillation, contradiction, arrogance, conceit, intrigue, ruthlessness—in fine, the failure of morality and the bankruptcy of statesmanship. The materials are somewhat repetitious—probably unavoidable considering the particular analytical techniques employed; the most serious structural defect is the failure to provide footnote references to documents quoted.—IVAN M. STONE.

American Opinion on World Affairs in the Atomic Age. (Princeton University Press, 1948, pp. 152, \$2.50), by a well-known sociologist (Leonard S. Cottrell, Jr.) and a staff member of the Survey Research

Center of the University of Michigan (Sylvia Eberhart) should be a call to arms for every teacher of political science. While the book does not say in so many words that teachers of government are falling down on their job, the implications are clear. In their conclusion, the authors say: "The people are not thinking practically and concretely in 'one-world' terms." "A far-reaching program of public education on our economic and political interdependence with the rest of the world is sorely needed." "Something less than a thoughtful effort has been made to inform the people about the meaning of their country's post-war international rôle." "Intelligent opinions on specific action proposals concerning tariff policies, loans, military plans, reconstruction plans in various areas of the world, and so forth, cannot be formulated unless the relevance of such actions for a clearly conceived rôle in a clearly structured situation is understood by the people." The world is on fire and political scientists should be in the forefront of the fire fighters. It is interesting to note that of the many social scientists mentioned in connection with the Committee on Social Aspects of Atomic Energy of the Social Science Research Council and its staff, Pendleton Herring, a member of the subcommittee, is the only political scientist. Teachers of government seem to be asleep at the switch. Sociologists, psychologists, economists, and market research people are in there fighting. In the matter of methodology in the social sciences, the book does not develop any new points, although it does reinforce some points which seem to have escaped many political scientists. It discusses the relative merits of the extensive survey and the intensive survey. But so few political scientists have conducted opinion surveys that the distinction would probably be lost upon most of them. The book is divided into six chapters, which discuss "Issues and Public Opinion," "Public Awareness of the Atomic Bomb," "Are the People Concerned?," "The People's Understanding of the Rôle of the United States in the World," and "Conclusion." The usefulness of the book would have been increased by an index; this reviewer is at a loss to understand why a research study that cost far in excess of the grant of \$24,000 cannot afford to index its results.—HAROLD F. GOSNELL.

The thesis developed by the Swiss historian, Leonard von Muralt, in his monograph, *From Versailles to Potsdam* (Hinsdale, Ill.: Henry Regnery Co., 1948, pp. 93, \$2.00), is that the Peace of Versailles proved short-lived because it failed to reintegrate "the defeated into a comprehensive system of European powers."¹ The absence of an over-all political concept meant conflicting treatment of the problems confronting the peacemakers and over-emphasis on economic considerations. The confused and inconsistent handling of various aspects of the German problem afforded a basis for later Nazi claims and so-called successes and thus

proved costly to Europe and the world. On the basis of this experience, the author urges recognition of the fact that Europe in the twentieth century has "reached a point of development approximately corresponding to Italy's at the end of the Renaissance." Moreover, in his opinion, a politically organized free and healthy Europe constitutes one protection against the danger of a defensive war between the two world powers, the United States and the Soviet Union, whose ideological differences he portrays with both clarity and insight. While von Murralt's succinct analysis of Europe under Versailles is admirable and his view that the sovereign state is gone appears to this reviewer to be correct, his concession to what he believes is politically possible leads him to espouse a defensive alliance among Great Britain, France, Germany, and the smaller European states. Although perceiving the importance of power in political relationships and recognizing that the essential weakness of the League of Nations (which he appears willing to consider a federation of states) lay in its absence of power, the author overlooks the fact that his objectives for Europe can be attained only by a political organization essentially federal in form.—RUTH C. LAWSON.

The Committee to Frame a World Constitution already has received attention through its monthly publication, *Common Cause*, and the circulation of its preliminary draft constitution. The Committee now presents in a little book, *Preliminary Draft of a World Constitution* as proposed and signed by Robert M. Hutchins, G. A. Borgese *et al.* (University of Chicago Press, 1948, pp. vii, 92, \$2.00), a series of papers clarifying and projecting its work, including an outline of purposes and plans, commentary on the draft, an index to the Committee's 150 work papers, and statements on the World Constitution and the United Nations and on the World Constitution and Russia. The book deserves wide attention as the statement of a group of reasonable men concerning the minimum requirements for world peace. The constitution should be received as it is presented, as a working draft showing "what a Federal Republic of the World under certain conceivable circumstances *might* look like," offered for further study and discussion. The Committee rejects the principle of limited world government. Instead, it delegates to the Federal Republic not only the authority to maintain armed forces and to set limits upon national militias, but also broad powers to enforce individual and group rights, administer non-self-governing territories, develop the earth's resources, collect taxes, regulate commerce, and supervise human migration. The draft declares that "the four elements of life—earth, water, air, energy—are the common property of the human race," and subordinates their private or national use to "the common good." The Committee asserts that such provisions for political and social justice are essential if a

constitution is to be endorsed by "a working consent of the human race." With particular reference to Russian participation, the Committee suggests that if the West pledges unmistakable "respect to and observance of the just interests of all nations, . . . then the Russian people . . . will grow restive under any propaganda indoctrinating them with the notion of a capitalist conspiracy."—JOHN W. MASLAND.

In his *Die Internationale Stellung Oesterreichs, 1938-1947* (Vienna: Manz, 1948, pp. viii, 148), Stephan Verosta, noted lecturer on international law at the University of Vienna, discusses the problem of in what way the German occupation of Austria in 1938 has affected the status of the Austrian republic. Verosta's thesis, supported and supplemented by a well chosen collection of documents, is as lucid as simple. The German act of aggression in 1938, in its elimination, of an independent Austrian government as bearer of functions as a subject of international law, arrested Austria's freedom of action as a sovereign state until 1945, yet it neither did nor could destroy it. Annexation, in contrast to the *de facto* act of occupation, could never become effective in contravention of established principles of international law as set forth clearly in the Briand-Kellogg Pact of 1928 and resolutions of the Council and Assembly of the League of Nations in 1928 and 1936. Consequently, the Moscow declaration of 1943 could only, and indeed did, effectively reaffirm the continued uncontested existence of Austria as a sovereign state only temporarily suppressed in its freedom of action. The general significance of the Austrian case and similar others, as Verosta rightly infers, is obvious. "International customs as evidence of a general practice accepted as law," under the impact of such experience, become increasingly disinclined to recognize *de jure* acts of annexation brought about by direct or indirect aggression, irrespective of whether such acts have been set in peace or war, whether they have remained practically unchallenged for a shorter or a longer period.—ROBERT A. KANN.

To those who feel that the semi-hysteria of current American-Soviet relations has reached a point where logical explanation is hopeless, and who therefore have wished that the psychiatrists might shed some light, the title of C. S. Bluemel's *War, Politics, and Insanity* (Denver: World Press, 1948, pp. 121, \$2.00) is one of intriguing promise. Unfortunately, it is a promise that remains largely unfulfilled. The difficulty is that Dr. Bluemel simplifies his task too much. Though he pays passing attention to other causes of war, it is his basic conviction that "strife results not so much from a conflict of interests as from a conflict of personalities." After having thus reduced the problem of war and peace very largely to a question of leadership, most of the remainder of the book is devoted to an analysis

of the psychological traits which make for leadership. To deny the importance of leadership in the determination of political action would be manifestly absurd, but to exaggerate the omnipotence of leaders is an equal error. As Charles Horton Cooley observed long ago, among the requisites of leadership are that the leader shall be ahead of his followers, but not too far ahead of them. In only one place does Dr. Bluemel appear to recognize this. That is when he observes that a schizoid of Hitler's type could have become politically effective only because his followers were themselves in a paranoid mood. As an analysis of the psychological traits which bring men to rank and power, Dr. Bluemel's book is a stimulating one and might be read profitably by all students of political science. But as an explanation of the cause of war, it treats, to say the least, only one-half of the question.—HILDEN GIBSON.

In his *Americans in China; Some Chinese Views* (Foundation for Foreign Affairs, 1948, pp. 59, \$0.75), Thurston Griggs has given a selection of Chinese newspaper opinion, as shown in seventeen Peiping papers. The material is a strange mixture of violent attacks and naïve attempts to woo American opinion in order to guarantee financial help from this country. The collection shows that there is nearly as much abuse in the Kuomintang press, as here reported, as there is in the Communist dispatches relayed to us by the several news services. Much of the discussion grows out of the lack of a firm, consistent, and thoughtful American Chinese policy. These selections from Chinese-controlled opinion show the necessity for formulating such a policy quickly. The continued presence of American troops in China makes it possible for both the Kuomintang and the Communists to criticize the United States as the chief factor in causing the present-day ills of China. The viciousness of a controlled and censored press is clearly seen; and the unscrupulous leaders who manipulate it use the miseries of the people to foster their own selfish and corrupt schemes. A major result of this confused information is that the ordinary citizen of China, and of the United States as well, has no real basis for judging the case, and the good-will and friendly feelings of a century are being sacrificed to no good end. More publications of this nature will help us keep our perspective, and so to act more in accord with our real desires.—ANDREW E. NUQUIST.

For years, people have talked glibly about "total war," but only recently have we begun to understand what this term really meant during World War II. For example, Feis' *Seen from E. A.* and Gordon and Dangerfield's *The Hidden Weapon* have explored the field of economic warfare. Similarly, Wallace Carroll's *Persuade or Perish* (Houghton Mifflin, 1948, pp. 392, \$4.00) is a valuable contribution to the under-

standing of psychological warfare. It is generally accepted that statesmen should give political guidance to military action, while generals should weigh political policy for its military implications. In this book the author demonstrates the necessity of evaluating diplomatic and military activity in terms of the impact it may have on the morale of both friend and foe. By such cases as the Darlan episode, the use of "unconditional surrender," and the treatment of Italy, he illustrates that a reasonable political or military policy may be disastrous propaganda policy. Carroll is well equipped to discuss American information policy during the war, since he served in the OWI, first in London and later in Washington. Combining personal experiences with political analysis, he succeeds in defending the efforts of the OWI, not, however, without stepping on the toes of its opponents. As was the case with most wartime agencies, the OWI had to contend not only with the ingenuity of the enemy, but with the indifference of high officials in Washington, Congressional opposition, and ignorance of the value of psychological warfare among certain of the military. From the standpoint of general interest, the propaganda battle with the Nazis makes fascinating reading. From the point of view of the present European crisis, the story of obstruction at home is a warning that unless Washington supports an aggressive information policy, we may yet lose the battle for Europe.—FRED L. HADSEL.

POLITICAL THEORY AND MISCELLANEOUS

Attempting "a fresh analysis of the *esprit des lois* in terms of contemporary culture," William W. Hollister, in a very useful and suggestive study entitled *Government and the Arts of Obedience* (King's Crown Press, 1948, pp. 139, \$2.00), focuses our attention upon the old problem of political obligation, a problem often neglected and obscured by those whose attention is riveted upon the techniques of politics and of government. Conceiving of government as "the art of securing obedience," by compulsion if necessary, by convention if possible, the author believes that "the arts of governing can now be distinguished as different aspects of the problem of resolving conflict and making joint participation customary. *Domination, command, leadership, administration, and representation* have each its own appropriate *esprit* or cultural context in terms of which it must be judged." Domination is "based on a balance of fears;" command upon "social solidarity;" leadership upon "trust that the agency of control will carry out group goals which are desired, but which have not been explicitly recognized;" administration upon "recognition of the usefulness of the ends of control, but not of the specific policies to carry them out;" and representation upon "reciprocity of interest." Eschewing the traditional conception of corruption as a "devil" theory, the author urges us to accept as a substitute a con-

ception of corruption as "governmental lag," when "the conventions bear little relevance to the situations which they are intended to order." Controls may also become perverted by "usurpation" when "the agents of government act for private interests while seemingly functioning according to a convention which binds the group as a whole." This study should be useful in reopening discussion of the vital problem of political obligation, and the author, it seems to me, is certainly on the right track when he insists that the study of "power" must be undertaken "primarily in terms of its basis in obedience." If, however, that discussion is to be truly fruitful, it must free itself from the positivistic shackles that bind this author from ever seriously considering the *ends* in terms of which obedience is desirable. "Social control" is no end in itself, and to posit it as the goal of government is simply to beg the question of political obligation. What purports to be an answer to the question thus turns out in the end to be but a restatement of the problem in different terms. That may be useful in provoking discussion, and this is a worthy aim; but it is not enough, and it is not an answer.—JOHN H. HALLOWELL.

David O. Evans' *Le Socialisme romantique; Pierre Leroux et ses contemporains* (Marcel Rivière, 1948, pp. 260, 300 fr.) is a good example of the trend toward studies which cross formal boundaries of single disciplines. The author, a Canadian specialist in early nineteenth-century French literature, let his material lead him from his literary interest into intellectual history. He restricts himself to a minimum of biographical background, skillfully interwoven, a searching analysis of Leroux's thought (the chapter of most interest to political scientists), and Leroux's relations with Sainte Beuve, George Sand, and Victor Hugo. Leroux has not been entirely neglected, as the excellent critical bibliography reveals, but Evans' thorough study of Leroux's writings (see his annotated list and appended documents) produces new information and interpretations. Three of his theses commend Leroux's work as the best summary of French social romanticism, as the only democratic socialism of the romantic period, and as influencing a whole generation. Evans discriminates between Leroux's "revolutionary" French romanticism and the "counter-revolutionary" romanticism of Schlegel and Schleiermacher (pp. 70-71), but sometimes applies the term too loosely. Romanticism is more useful in a literary than in a political context. The political theory of Cabet, the Fourierists, Louis Blanc, Marx, and Proudhon cannot be dismissed as unequivocally authoritarian, and that of the American communitarians was thoroughly democratic. American Associationists, seeking a stronger religious basis than Fourier's, drew indirectly from Leroux through Sand's novels, translated in the Brook Farm *Harbinger*. Evans emphasizes the transfer of ideas from thinker to thinker, not their general and often

unconscious diffusion into climates of opinion. The author correctly dates Leroux's first use of "socialisme" and "socialiste," but is apparently unaware of their earlier appearance in the modern sense, discovered by Gabriel Deville and Carl Grünberg. Edouard Dolléans' preface is sympathetic but discriminating. No index is supplied. To this reviewer, Evans' investigation is more valuable as another illustration of the common characteristics of much pre-Marxian socialism than as proof of Leroux's preëminence. In Leroux appear the liberal stress on the individual over society; a blend of internationalism with patriotism; hints of anarchism and pacifism; a dislike for abstract economic theory; a concern with an agrarian social solution; anti-Malthusianism based upon the hope of infinitely increasing productivity; the idea of progress; the religion of Humanity; solidarity and perfectionism. Many pre-Marxian socialists viewed human life, in Leroux's phrase, as a concert over the centuries, providentially planned.—THOMAS BASSETT.

In a day when the term "freedom" is so often thrown about without any clear idea of its implications, books attempting to provide a framework of conceptual clarity should be welcome. Such a book is Horace M. Kallen's *The Liberal Spirit; Essays on Problems of Freedom in the Modern World* (New School for Social Research, Cornell University Press, 1948, pp. vii, 242, \$3.00). In it the distinguished philosopher treats of such themes as "Modernity and Liberty"; "The Organization of Freedom"; "The Warfare of Religion against Science"; "Freedom and the Artist"; "Of Humanistic Sources of Democracy"; "Freedom in the Factory"; and "Free Enterprise and the Consumer." Kallen thinks of the "liberal spirit" as being closely associated with the rise of modern science and scientific method. Like science, it is experimental and coöperatively competitive. It welcomes the different, for out of variety may come new vantage points of knowledge. The liberal spirit, moreover, must be basically secular in outlook: it cannot be bound up with anything smacking of traditional theologies and churches; for religion has always been the aggressor in any conflict with science and has been antagonistic to the claims of freedom. Kallen's discussions of the meaning of freedom in relation to factory work, art, and the significance of the consumer are particularly helpful. Modern industrialism, he comments, forces us to work during the day in order that we may actually live at night; and he believes that one of the most hopeful methods of restoring a measure of human dignity to the masses now geared to factory labor is the consumers' coöperative movement. Coöperative organization "is the true region of private initiative and free enterprise for everybody, as against the lawless power of the corporation and the decree-making authority of the totalitarian police state." As is so often true of those who share his general outlook, Kallen

virtually makes a god of Scientific Method, although he denounces the gods in general. Faith is set over sharply against science, although it would seem to this reviewer that science itself is bound up with acts of faith. While much of what he has to say about the rôle of religion in persecution and intolerance is indisputable, his statement would have been strengthened had he given some recognition to those religious leaders and societies—Fox, Penn, and the Friends, for example—who have played a not inconsiderable rôle in the development of the “liberal spirit.” There is, however, depth as well as breadth in this book; and students of politics should find it rewarding.—MULFORD Q. SIBLEY.

Edmund J. James Lectures on Government (University of Illinois Press, 1947, pp. 93) is the fourth series delivered at the University of Illinois on a foundation established in 1935 by Mrs. George E. Frazer, of Winnetka, Illinois, as a memorial to her father, the late Edmund Janes James, president of the University from 1904 to 1920. Dr. William Y. Elliott, in his lecture on “The Strategy and Politics of Raw Materials in Peace and War,” calls for a “long-range” stockpiling policy as a means whereby foreign countries can repay a part of their debts to us and we can restore our reserves of certain basic minerals as well as build up reserves of those minerals that we do not produce. Such a policy, argues Professor Elliott, would not only provide us with reserves that would be available for emergency use in war, but would go a long way in helping to stabilize world trade and commerce. In his lecture, “Disputes before Organs of the United Nations,” Professor Manley O. Hudson sets forth the prospects for the settlement of disputes by present international organization. He concludes that the provisions of the United Nations Charter are not enough in themselves and that “procedures are needed for dealing with all kinds of disputes and for assuring their settlement to the largest extent possible.” In the final lecture, Professor Herman Finer discourses on “Force or Persuasion in International Relations,” and declares that it is necessary to maintain the “existence of preponderant power [which] must be heavy and unintermittent.” Otherwise, he says, the world will fall into a state of war on some trivial occasion, “probably in the Balkans.” This force, Dr. Finer declares, must be based upon the principles of democracy and welfare.—CARL M. FRASURE.

The Yearbook on Human Rights for 1946 (Lake Success, New York: United Nations, 1947, pp. xii, 450, \$5.00) was edited by B. Mirkine-Guetzévitch and E. Hamburger under the auspices of the United Nations Secretariat as the first of a series of annual compilations of laws concerning human rights. The volume assembles constitutional provisions (supplemented in some cases by other laws) granting or limiting human rights, and in force on December 31, 1946, in seventy-three countries.

The volume also contains sixteen studies which cover the legal aspects of human rights in countries without written constitutions (e.g., the members of the British Commonwealth), in countries about to enact new constitutions in 1946 (e.g., China, Italy), and in some other countries (e.g., Belgium, the USSR, the United States). The authors of these monographs were chosen either by their respective governments or by the Secretariat. The usefulness of this reference work is further enhanced by a detailed subject-matter index. Most of the constitutions catalogued in this volume pay homage to the principles of the American Declaration of Independence. To dispel the widespread illusion that the effective protection of human freedom depends primarily on the enactment of bills of rights, future issues of the *Yearbook* might well include information on how such general principles are actually interpreted and applied by courts and executive organs in each country. Such an investigation, if carried out impartially, might, however, be embarrassing to many members of the United Nations.—FELIX OPPENHEIM.

The graduate schools receive severe criticism from Dr. Elbridge Sibley in his *The Recruitment, Selection, and Training of Social Scientists* (Social Science Research Council, 1948, pp. xv, 163). In his reconsideration of the fellowship program of the Social Science Research Council, he concludes that training is a more important problem than recruitment, since the graduate schools are receiving as many able students as they can hope to recruit and train. He shows that the modest resources for graduate study are being overburdened with mediocre students, that there are undesirable delays in the completion of training, and that the economic position of graduate students in the social sciences compares unfavorably with that in the natural sciences. The evidence is chiefly statistical, and numerous comparisons are made with the natural sciences. Dr. Sibley recommends more effective research instruction for a better selected group of students. He particularly recommends instruction in psychology, in the principles of inference from quantitative data, and in practical research which cuts across departmental lines. He believes that fellowships granted on a national basis will help to bring this about through influencing the graduate schools directly and the undergraduate schools indirectly. The author asserts that it is research and not general education that is under consideration, and proceeds to view research narrowly and as chiefly quantitative. He does not recognize that personal maturity is more important to a social scientist than to a natural scientist, nor does he sufficiently recognize that general education at the graduate level is necessary if we are to ask the right questions in research. Valuable as this study is, it is to be hoped that educational policy will have a broader base.—WARNER MOSS.

A slender volume, *The Great Tradition; The Democratic Idea* (New York: Declan X. McMullen, 1948, pp. 91, \$1.50), contains three Fenwick Lectures recently delivered by Professor Jerome Kerwin at Holy Cross College. The first two lectures were devoted to tracing the development of the basic concepts of democracy from the Greeks through the nineteenth century. In the third, Professor Kerwin discussed the practice of democracy today, with particular reference to urban politics. While there is little that is new in Kerwin's argument, many will be grateful for a scholarly presentation of a basic theme which, in times such as these, can scarcely be reiterated often enough. Kerwin's basic intent is to demonstrate that democracy is a result of the fusion of a double tradition, Greek rationalism on the one hand and the Christian system of social and individual values on the other. "A good case can be made," he says, "for the thesis that, once the teachings of Christianity were established, democracy as a form of government was inevitable."—HILDEN GIBSON.

Students of moral and political philosophy should welcome the recent reprint of Jeremy Bentham's *Fragment on Government* and *An Introduction to the Principles of Morals and Legislation*, published in a single volume (Basil Blackwell and Macmillan, 1948, pp. lxvi, 435, \$2.25), and edited by Wilfrid Harrison. The editor contributes an excellent introduction of 57 pages, which, while it frankly admits Bentham's deficiencies as a psychologist and moral philosopher, yet argues that even the twentieth century can learn from these two eighteenth-century works of the great utilitarian. Harrison acknowledges, too, that the *Fragment* and *Principles* do not begin to cover all aspects of Bentham's social doctrine; that the Bentham reflected here differs in many respects from the later Bentham; and that a careful distinction should be made between the influence of Bentham and that of "Benthamism." Technically, this is a good publishing job; the type is readable and the book, although large in number of pages, is not cumbersome. It is eminently suitable for use as a text.—MULFORD Q. SIBLEY.

RECENT PUBLICATIONS OF POLITICAL INTEREST

CHARLES B. HAGAN

AND

J. AUSTIN RANNEY

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books and Pamphlets

Backman, George W., and Meriam, Lewis. The issue of compulsory health insurance. Pp. 271. Wash.: Brookings Institution. 1948.

Bloom, Sol. Autobiography of Sol Bloom. Pp. 345. N.Y.: Putnam. 1948.

Brown, Stuart G. We used these truths; documents of American democracy. 2nd ed. N.Y.: Harper. 1948.

Bryden, Anne P. Technical services to Virginia government. Pp. 226. Charlottesville: Univ. of Va., 1948.

Catton, Bruce. The war lords of Washington. Pp. 313. N.Y.: Harcourt. 1948.

Chaplin, Ralph. Wobbly; the rough-and-tumble story of an American radical. Pp. 435. Chicago: Univ. of Chicago Press. 1948.

Cherington, Charles R. The regulation of railroad abandonments. Pp. 277. Cambridge: Harvard Univ. Press. 1948.

Collier, John. America's colonial record. Pp. 36. London: Gallancz. 1947.

Collins, Charles W. Whither solid South? A study in politics and race relations. Pp. 344. New Orleans: Pelican. 1948.

Coz, Archibald. Cases on labor law. Pp. 1432. Brooklyn: Foundation Press. 1948.

Dawson, Joseph M. Separate church and state now. Pp. 220. N.Y.: Richard R. Smith. 1948.

Dillavou, Essel R., and Howard, Charles G. Principles of business law. 4th ed. Pp. 952. N.Y.: Prentice-Hall. 1948.

Douglas, William O. Being an American. Pp. 223. N.Y.: John Day. 1948.

Durand, John D. The labor force in the United States, 1890-1900. Pp. 302. N.Y.: Soc. Sci. Research Council. 1948.

Ernst, Morris L. So far so good. Pp. 271. N.Y.: Harper. 1948.

Fainsod, Merle, and Gordon, Lincoln. Government and the American economy. rev. ed. Pp. 935. N.Y.: W. W. Norton. 1948.

Flynn, John T. The Roosevelt myth. Pp. 448. N.Y.: Denin-Adair. 1948.

Gallup, George H. A guide to public opinion polls. 2nd ed. Pp. 141. Princeton: Princeton Univ. Press. 1948.

Gerald, J. Edward. The press and the constitution, 1931-47. Pp. 173. Minneapolis: Univ. of Minn. Press. 1948.

Godshall, Wilson L. Principles and functions of government in the United States. Pp. 1121. N.Y.: Van Nostrand. 1948.

Goldstein, Naomi. The roots of prejudice against the Negro in the United States. Pp. 222. Boston: Boston Univ. Press. 1948.

Gray, Justin, and Bernstein, Victor H. The inside story of the Legion. Pp. 255. N.Y.: Boni and Gaer. 1948.

Hacker, Louis M., et al. The new industrial relations. Pp. 157. Ithaca: Cornell Univ. Press. 1948.

- Hannah, Harold W.* Law on the farm. Pp. 415. N.Y.: Macmillan. 1948.
- Harman, R. V., Tucker, H. R., and Wrench, J. E.* American citizenship practice. Pp. 646. Lincoln, Neb.: Univ. Pub. Co. 1948.
- Hart, James.* The American presidency in action, 1789; a study in constitutional history. Pp. 256. N.Y.: Macmillan. 1948.
- Hartley, Fred. A.* Our new national labor policy; the Taft-Hartley act and the next steps. Pp. 240. N.Y.: Funk and Wagnalls. 1948.
- Haywood, Harry.* Negro liberation. Pp. 345. N.Y.: Int. Publishers. 1948.
- Hirsch, Mark D.* William C. Whitney, modern warwick. Pp. 635. N.Y.: Dodd, Mead. 1948.
- Howard, W. V.* Authority in TVA land. Pp. 193. Kansas City, Mo.: Frank Glenn. 1948.
- Hunter, Carrie E.* State rent control laws; an analysis of the statutory provisions. Pp. 77. Wash., 1948.
- Joughin, George L., and Morgan, Edmund M.* The legacy of Sacca and Vanzetti. Pp. 615. N.Y.: Harcourt. 1948.
- Larsen, Christian L., and Cowan, Conrad.* South Carolina state constitution amendment procedures. Pp. 58. Columbia, S.C.: Univ. of South Carolina. 1948.
- Lazarsfeld, Paul F., Berelson, Bernard, and Gaudet, Hazel.* The people's choice; how the voter makes up his mind in a presidential campaign. 2nd. ed. N.Y.: Columbia Univ. Press. 1948.
- Leiter, Robert D.* The foreman in industrial relations. Pp. 200. N.Y.: Columbia Univ. Press. 1948.
- McCabe, David A., and Lester, Richard A.* Labor and social organization. Rev. ed. Pp. 373. Boston: D. C. Heath. 1948.
- McGrath, J. Howard.* The power of the people. Pp. 196. N.Y.: Messner. 1948.
- Mattier, Wiley W.* The government of California. Rev. ed. Pp. 146. Boston: Allyn and Bacon. 1948.
- Martz, Helen E.* Citizen participation in government; a study of county welfare boards. Pp. 63. Wash.: Pub. Affairs Press. 1948.
- Meiklejohn, Alexander.* Free speech and its relation to self-government. Pp. 107. N.Y.: Harper. 1948.
- Miller, George F.* Absentee voters and suffrage laws. Pp. 224. Wash.: Daylison Co., 1948.
- Mills, C. Wright, and Schneider, Helen.* The new men of power; America's labor leaders. Pp. 323. N.Y.: Harcourt. 1948.
- Morey, Robert H.* Basic and common rights of man. Canandaigua, N.Y.: Science of Man Foundation. 1948.
- Morris, George.* The red-baiting racket and how it works. Pp. 39. N.Y.: New Century Publishers. 1948.
- Moscow, Warren.* Politics in the empire state. Pp. 248. N.Y.: Knopf. 1948.
- Ogg, Frederic A., and Ray, P. Orman.* Introduction to American government. 9th ed. Pp. 1135. N.Y.: Appleton-Century-Crofts. 1948.
- Ogg, Frederic A., and Ray, P. Orman.* Introduction to American government; the national government. 9th ed. Pp. 902. N.Y.: Appleton-Century-Crofts. 1948.
- Patterson, C. Perry, McAlister, Sam B., and Hester, George C.* State and local government in Texas. Rev. ed. Pp. 590. N.Y.: Macmillan. 1948.
- Penniman, Howard R.* Sait's American parties and elections. 4th ed. Pp. 676. N.Y.: Appleton-Century-Crofts. 1948.
- Perkins, Dexter.* The evolution of American foreign policy. Pp. 187. N.Y.: Oxford. 1948.

Pritchett, C. Herman. The Roosevelt court; a study in judicial politics and values, 1937-1947. Pp. 314. N.Y.: Macmillan. 1948.

Quarles, Benjamin. Frederick Douglass. Pp. 389. Wash.: Assoc. Publishers. 1948.

Riordan, William L. Plunkitt of Tammany Hall. Pp. 187. Knopf. 1948.

Roe, Wellington. Juggernaut; American labor in action. Pp. 375. Phila.: J. B. Lippincott. 1948.

Saye, Albert B. A constitutional history of Georgia, 1732-1945. Pp. 521. Athens, Ga.: Univ. of Georgia Press. 1948.

Shoup, Earl L. The national government of the American people. Pp. 914. Boston: Ginn. 1948.

Silving, Helen. Immigration laws of the United States. Pp. 84. N.Y.: Oceana Publications. 1948.

Schlichter, Sumner H. The American economy; its problems and prospects. Pp. 214. N.Y.: Knopf. 1948.

Smith, Bradford. Americans from Japan. Pp. 430. Phila.: Lippincott. 1948.

Stone, Irving. Earl Warren; a great American story. Pp. 176. N.Y.: Prentice-Hall. 1948.

Taylor, Philip E. The economics of public finance. Pp. 617. N.Y.: Macmillan. 1948.

Torpey, William G. Judicial doctrines of religious rights in America. Pp. 385. Chapel Hill: Univ. of N. C. Press. 1948.

Walker, Edward E., Beach, Walter G., and Jamison, Otis G. Government of the United States. Pp. 692. N.Y.: Scribner's. 1948.

Washington, George. Basic writings of George Washington; ed. by Saxe Commins. Pp. 714. N.Y.: Random. 1948.

White, Walter F. A man called White; the autobiography of Walter White. Pp. 390. N.Y.: Viking. 1948.

Yeomans, Henry A. Abbott Lawrence Lowell. Pp. 564. Cambridge: Harvard Univ. Press. 1948.

Zink, Harold. A survey of American government; an abridgment of Government and politics in the United States, with new material. Pp. 809. N.Y.: Macmillan. 1948.

Articles

Atomic Energy. Symposium on atomic energy. *Byron S. Miller, Casper W. Ooms, Herbert S. Marks, Edward Shils, Harold D. Lasswell, and Malcolm Sharp.* Univ. of Chicago Law Rev. Summer, 1948.

Business Regulation. Federal control of leaf tobacco marketing. *C. M. Euwer.* Maryland Law Rev. Spring, 1948.

———. Administrative finality in claims for overcharges. *Thomas P. Hardman.* West Va. Law Quar. May, 1948.

———. Government and mass communication. *W. P. Armstrong, Sr.* Tenn. Law Rev. June, 1948.

———. The trend of judicial decisions in coöperative marketing. *Frank Evans and Irwin Clamson.* Antitrust immunities of coöperative associations. *John Hanna.* Law and Contemp. Problems. Summer, 1948.

———. Advertising and the public interest; legal protection of trade symbols. *Ralph S. Brown, Jr.* Yale Law Jour. June, 1948.

———. Wanted: a new federal power policy. *George A. Dondero.* Pub. Util. Fort. Sept. 9, 1948.

———. Television: there ought to be a law. *Bernard B. Smith.* Harper's. Sept., 1948.

- . Basing points: the great muddle. *Eds. Fortune*. Sept., 1948.
- . Unauthorized uses of television broadcasts. *David M. Solinger*. *Columbia Law Rev.* Sept., 1948.
- . Is prohibition coming back? *Olson J. Smith*. *Am. Mercury*. Oct., 1948.
- Civil Liberties. Civil rights in a cold-war era. *Robert W. Kenny*. *Lawyers Guild Rev.* Jan.-Feb., 1948.
- . Thoughts on freedom and organization. *William F. Ogburn*. *Ethics*. July, 1948.
- . Sound trucks and freedom of speech. *Charles S. Rhyne*. *Am. City*. Aug., 1948.
- . The great teacher that teaches nothing. *Louise F. Brown*. *Survey Graphic*. Aug., 1948.
- . Mr. Justice Holmes; the community vs. the individual. *Walker Lowry*. *Calif. Law Rev.* Sept., 1948.
- . Communism on the campus? *Barbara Ann Hazelton*. *Freedom and Union*. Sept., 1948.
- . After restrictive covenants. *Stanley Mosk*. *Chicago Jewish Forum*. Fall, 1948.
- . Law and the right to privacy. *Mitchell Dawson*. *Am. Mercury*. Oct., 1948.
- . The road ahead for civil rights. *James A. and Nancy F. Wechsler*. *Commentary*. Oct., 1948.
- Conservation. We have nothing but the earth. *Richard L. Neuberger*. *Survey Graphic*. Sept., 1948.
- Constitutional Law. Is law disappearing? *Charles E. Clark*. *West Va. Law Quar.* Feb., 1948.
- . The constitution and the continental shelf. *R. E. Hardwicke, Carl Selig, and C. P. Patterson*. *Texas Law Rev.* April, 1948.
- . State constitutional law in 1947-48. *Foster H. Sherwood*. *Am. Pol. Sci. Rev.* Aug., 1948.
- . The influence of Joseph Story's theory of the conflict of laws on constitutional nationalism. *William R. Leslie*. *Miss. Valley Hist. Rev.* Sept., 1948.
- Defense. Universal military training with or without reform of courts martial? *Arthur J. Keefe*. *Cornell Law Quar.* June, 1948.
- . Shall we abolish the marine corps. *William B. Huie*. *Am. Mercury*. Sept., 1948.
- . Economic defense of the United States. *Charles C. Abbott*. *Harvard Bus. Rev.* Sept., 1948.
- . America's post-war military policy. *Donald W. Mitchell*. *Current Hist.* Sept., 1948.
- . No place to hide; what the bomb did at Bikini. *David Bradley*. *Atlantic*. Oct., 1948.
- . The atom bomb as policy-maker. *Bernard Brodie*. *Foreign Affairs*. Oct., 1948.
- . Alaska, fulcrum of power. *John J. Teal, Jr.* *Foreign Affairs*. Oct., 1948.
- Economic Policy. Symposium on government and inflation problems. *George A. Sloan, Frederick C. Mills, Norris O. Johnson, Friedrich A. Lutz, Floyd A. Harper, Shepard Morgan, John C. Virden, Sumner H. Schlichter, Russell C. Leffingwell, A. L. M. Wiggins, and Douglas C. Abbott*. *Proc. of the Acad. of Pol. Sci.* May, 1948.
- . Some implications of a program for full employment and economic stability. *W. W. Cooper*. *Pol. Sci. Quar.* June, 1948.
- . Why public finance? *Gerhard Colm*. *Nat. Tax Jour.* Sept., 1948.

- . How to control inflation. *R. C. Leffingwell*. *Fortune*. Oct., 1948.
- Federal-State Relations.** Position of the state in economic control and regulation of air commerce. *George W. Starr*. Uniformity in air safety regulations: coöperative federalism applied. *Louis E. Black, Jr.* *Jour. of Air Law and Com.* Spring, 1948.
- . United States commitments to UNESCO and federal control of education. *Antonio Garcia*. *Southwestern Soc. Sci. Quar.* Sept., 1948.
- . State sovereignty vs. federal sovereignty of navigable airspace. *John C. Cooper*. *Jour. of Air Law and Com.* Winter, 1948.
- Georgia.** A long dark night for Georgia? *Calvin Kille*. *Harper's*. Sept., 1948.
- Housing.** Housing truths. *Harry C. Bates*. *Am. Federationist*. Aug., 1948.
- . The case history of housing. *Marjorie Faulkrod*. *Current Hist.* Sept., 1948.
- . The six thousand houses that Smith built. *Eric Larrabee*. *Harper's*. Sept., 1948.
- Judiciary.** Substance and procedure in rule-making. *Thomas H. S. Curd*. *West Va. Law Quar.* Feb., 1948.
- . The judiciary in a changing world. *Fred L. Fox*. *West Va. Law Quar.* May, 1948.
- . Personal ambitions of judges. *Felix Frankfurter*. *Am. Bar. Assoc. Jour.* Aug., 1948.
- . Supreme Court of the United States; analysis of alleged and real causes of dissents. *Ben W. Palmer*. *Am. Bar. Assoc. Jour.* Aug., 1948.
- . The Supreme Court and the capacity to govern. *Vincent M. Barnette, Jr.* *Pol. Sci. Quar.* Sept., 1948.
- . New procedures and attitudes suggested toward marriage and divorce. *Paul W. Alexander*. *Jour. of Am. Judicature Society*. Aug., 1948.
- . Supreme Court reversals on constitutional cases. *Charlotte C. Bernhardt*. *Cornell Law Quar.* Sept., 1948.
- Labor.** Problems in labor arbitration. *J. Noble Braden*. Arbitration in Missouri. *David R. Hensley*. The law and practice of arbitration in New York. *H. H. Nordlinger*. *Mo. Law Rev.* April, 1948.
- . Information and opinions about the Taft-Hartley Act. *George H. Smith*. *Int. Jour. of Opinion and Attitude Research*. Summer, 1948.
- . Child labor laws and contributory negligence. *W. P. Armstrong, Jr.* *Tenn. Law Rev.* June, 1948.
- . Will we have industrial war or peace with the Taft-Hartley law? *Wayne Morse*. *Cornell Law Quar.* June, 1948.
- . The Labor-Management Relations Act of 1947; a topical digest. *Richard Powers*. *So. Econ. Jour.* July, 1948.
- . The high court speaks, but vital questions remain unanswered. *J. Albert Wall*. *Am. Federationist*. July, 1948.
- . Leadership and human relations where people work. *Thomas G. Spate*. *Personnel Admin.* July, 1948.
- . The Taft-Hartley act and collective bargaining; a management appraisal. *Selwyn H. Torff*. The Taft-Hartley act as viewed by labor. *Francis Downing*. *Ill. Law Rev.* July-Aug., 1948.
- . How Missouri's new utility antistrike law works. *Vance Julian*. *Pub. Util. Fort.* Aug. 12, 1948.
- . Industrial relations with professional workers. *Herbert R. Northrup*. *Harvard Bus. Rev.* Sept., 1948.
- . Collective bargaining and the concept of contract. *Neil W. Chamberlain*. *Columbia Law Rev.* Sept., 1948.

———. The labor-management relations act of 1947. *Edwin A. Elliott*. Southwestern Soc. Sci. Quar. Sept., 1948.

———. Our new labor diplomats. *George A. Bernstein*. Harper's. Oct., 1948.

———. The first year of Taft-Hartley. *Robert N. Denham*. Nation's Bus. Oct., 1948.

Legislation. Experts for the lawmakers. *Estal E. Sparlin*. Nat. Mun. Rev. June, 1948.

———. Concluding the war—the peace settlement and congressional powers. *J. W. Brabner-Smith*. Va. Law Rev. July, 1948.

———. The first session of the eightieth Congress. *Floyd M. Riddick*. Am. Pol. Sci. Rev. Aug., 1948.

1948 Election. U.S.A. presidential election. *John A. Stevenson*. Quar. Rev. July, 1948.

———. Bury the New Deal. *Malcolm Muggeridge*. Soundings. Aug., 1948.

———. President Dewey's strange bedfellows. *Elmer Davis*. Harper's. Sept. 1948.

———. Symposium on the 1948 campaign. *Roy V. Peel, Charles W. Smith, Jr., Harold F. Gosnell, and Robert Bower*. Annals of the Am. Acad. of Pol. and Soc. Sci. Sept., 1948.

———. The men around Dewey. *Alden Hatch*. Harper's. Oct., 1948.

———. The Democrats can win. *Ellis G. Arnall*. Atlantic. Oct., 1948.

———. Mr. Dewey's economics. *Eds. Fortune*. Oct., 1948.

———. Prospects for stability in our foreign policy. *James Reston*. Foreign Affairs. Oct., 1948.

Personalities. Mr. Justice Rutledge. *David M. Levitan*. Va. Law Rev. July, 1948.

———. Robert Morss Lovett. *Carl Gralio*. Chicago Jewish Forum. Fall, 1948.

———. Glen Taylor: crooner on the left. *Richard L. Neuberger*. Am. Mercury. Sept. 1948.

Political Parties. The Southern political scene, 1938-1948, part I. *Taylor Cole, John H. Hollowell, Howard W. Odum, B. U. Ratchford, Carl B. Swisher, Marion D. Irish, Manning J. Dauver, Alden L. Powell, Cortez A. M. Ewing, and H. Clarence Nixon*. Jour. of Politics. May, 1948.

———. Ballots vs. bossism. *Richard Wallace*. Freedom and Union. Sept., 1948.

———. Symposium on American parties. *James C. Charlesworth, Henry A. Wallace, E. E. Schattschneider, Norman Thomas, Sonya Forthal, Dayton D. McKean, Elmer D. Graper, and John W. Lederle*. Annals of the Am. Acad. of Pol. and Soc. Sci. Sept., 1948.

———. The Republican revival. *Oren Root, Jr.* Atlantic. Sept., 1948.

———. Mud-slinging in national elections. *Robert Bendiner*. Am. Mercury. Oct., 1948.

———. Wallace's communist-front party. *Charles Augoff*. Am. Mercury. Oct., 1948.

Presidency. Executive papers—the president and Congress. *Peter C. Brown*. N.Y. State Bar Assoc. Bull. July, 1948.

Pressure Groups. Symposium on interest groups in 1948. *Morris Sayre, Allan B. Kline, Sam Stavisky, Benjamin H. Williams*. Annals of the Am. Acad. of Pol. and Soc. Sci. Sept., 1948.

———. The Mexican war veterans as an organized group. *Wallace E. Davies*. Miss. Valley Hist. Rev. Sept., 1948.

———. Politics of the farm. *William P. Tucker*. Soc. Science. Oct., 1948.

Public Administration. Public administration in an advancing South. *Gordon R. Clapp*. Pub. Admin. Rev. Summer, 1948.

———. Coördination by special representatives of the chief executive. *G. Homer Durham*. Andrew Jackson as administrator. *Albert Somit*. Pub. Admin. Rev. Summer, 1948.

———. Symposium: can an aggressive placement program be conducted under the federal civil service system? *Ross Pollock*, *Arthur Tackman*, and *Donald R. Harvey*. Symposium on standards of performance. *Eldon E. Sweezy*, *Wyatt A. Winkler*, *Elizabeth A. Mulholland*, *Calvin P. Deal* and *Milton J. Esman*, *Lawrence L. Epperson*, and *Anice Samt*. Personnel Admin. July, 1948.

———. Michigan seeks better management. *John A. Perkins* and *Frank M. Landers*. State Govt. Sept., 1948.

———. Suggestions to the commission on organization of the executive branch of the government. *Howard W. Bordner*. Accounting Rev. Oct., 1948.

———. Comparison between governmental and general accounting. *Leo Herbert*. Accounting Rev. Oct., 1948.

Public Opinion. Survey on concepts of "public" and "public opinion." *A. B. Blankenship*, *Harry E. Moore*, *Leo Handel*, and *Arnold M. Rose*. Int. Jour. of Opinion and Attitude Research. Summer, 1948.

———. The new oracle. *Waldo R. Browne*. Survey Graphic. Aug., 1948.

Race Relations. The logic of the segregationists. *Arnold M. Rose*. Common Ground. Autumn, 1948.

———. A refugee looks at anti-semitism here. *Robert Pick*. Commentary. Sept., 1948.

Social Security. The development of unemployment insurance in the South. *William R. Curtis*. Old age and survivors' insurance and old age assistance in the South. *E. J. Eberling*. So. Econ. Jour. July, 1948.

———. Benefit plans under collective bargaining. *Evan K. Rome* and *Abraham Weiss*. Mo. Labor Rev. Sept., 1948.

———. Unemployment insurance in New York. *Milton O. Laysen*. State Govt. Sept., 1948.

Taxation. The taxation of capital gains and losses under the federal income tax. *Charles L. B. Lowndes*. Texas Law Rev. April, 1948.

———. Classification for tax purposes of reserves of tax-exempt coöperatives. *W. L. Bradley*. Coöperatives and income taxes. *Wilfrid E. Rumble*. Law and Contemp. Problems. Summer, 1948.

———. The revenue act of 1948. *Robert T. Molloy* and *Robert L. Woodford*. Va. Law Rev. July, 1948.

———. The revenue act of 1948. *Willard H. Pedrick*. Ill. Law Rev. July-Aug., 1948.

———. Eighteen months of excess profits tax developments. *Jacquin D. Bierman*. Jour. of Accountancy. Aug., 1948.

———. The revenue act of 1948 (concluded). *Robert T. Molloy* and *Robert L. Woodford*. Va. Law Rev. Aug., 1948.

———. Penalties and problems arising in civil tax fraud cases. *Walter H. Schulman*. Law and procedure in criminal tax prosecutions. *Meyer Rothmades*. Practical considerations in federal tax procedure. *Sidney B. Gambill*. Taxes. Sept., 1948.

———. How should taxes be revised? *Arthur A. Ballantine*. Nation's Bus. Oct., 1948.

Veterans. Education—by act of Congress. *Junius B. Wood*. Nation's Bus. Sept., 1948.

Vice-Presidency. The reform of the vice-presidency. *Clinton L. Rossiter*. Pol. Sci. Quar. Sept., 1948.

Voting Behavior. Three methods of voting. *William S. Taylor*. Scientific Monthly. Oct., 1948.

COMPARATIVE GOVERNMENT

Books and Pamphlets

Alexander, Robert J. Labor movements in Latin America. Pp. 24. London: Gallancz. 1947.

Ali bin Tabatabaie, Muhammed. Al Faklin: the systems of government and the Moslem dynasties. Pp. 326. London: Luzac. 1948.

Berr, M. Party choice. Pp. 128. London: Eyre. 1948.

Brines, Russell. MacArthur's Japan. Pp. 315. Phila.: Lippincott. 1948.

Buiskool, Johannes A. E. Suriname nu en straks, een sociaal-economische en staatkundige beschonning. Pp. 247. Amsterdam: W. C. Salm. 1946.

Burgin, Miron, ed. Handbook of Latin American studies. Pp. 413. Cambridge: Harvard Univ. Press. 1948.

Carlson, Reynold E. British block grants and central-local finance. Pp. 222. Baltimore: Johns Hopkins Press. 1948.

Cole, Margaret. Makers of the labour movement. Pp. 319. London: Longmans. 1948.

Dernsuchamps, Gaston. La régime des finances publiques de l'Égypte et les capitulations. Pp. 212. Brussels: Institut Belge de finances publiques. 1942.

Deua, Nareudra. Socialism and the national revolution. Pp. 208. Bombay: Padma Publications. 1946.

Eckhart, Ferenc. Magyar alkotmány-és jogtörténet. Pp. 468. Budapest: Politzer Z. 1946.

Estévez Gazmuri, Carlos. Derecho constitucional. Pp. 243. Santiago: Galcon. 1947.

Fischer, Ruth. Stalin and German communism; a study in the origins of the state party. Pp. 687. Cambridge: Harvard Univ. Press, 1948.

Gallacher, William. The rolling of the thunder. Pp. 229. London: Lawrence and Wishart. 1947.

Gaviola, Enrique. El problema moral argentino y la necesidad de universidades particulares. Pp. 59. Buenos Aires: Ateneo del Club Univ. 1947.

Hambleton, George. Everyman's guide to Canada's parliament. Pp. 63. Toronto: World Affairs Press. 1946.

Herrera Guerrero, Héctor V. La división de poderes en la constitucion de 1917. Pp. 213. Mexico, 1946.

Hippel, Fritz von. Die nationalsozialistische herrschaftsordnung als warnung und lehre, eine juristische betrachtung. Pp. 55. Tübingen: J. C. B. Mohr. 1946.

Holtom, D. C. Modern Japan and Shinto nationalism. Pp. 226. Cambridge: Cambridge Univ. Press. 1948.

Jackson, John H. Clemenceau and the Third Republic. Pp. 279. N.Y.: Macmillan. 1948.

Jefferys, James B., ed. Labour's formative years. Pp. 204. London: Lawrence. 1948.

Johnsen, Julia E., comp. The dilemma of postwar Germany. Pp. 304. N.Y.: H. W. Wilson. 1948.

Josephs, Ray. Latin America: continent in crisis. Pp. 503. N.Y.: Random. 1948.

Laval, Pierre. Diary of Pierre Laval. Pp. 255. N.Y.: Scribner. 1948.

Lingeman, Eric R. Turkey; economic and commercial conditions. Pp. 228. London: H. M. Stationery Off. 1948.

López Cardenas, Fernando. Compendio de derecho constitucional mexicano. Pp. 135. Mexico, 1947.

Lovell, Maurice. The soviet way of life. Pp. 210. London: Methuen. 1948.

Mérat, Louis. Fictions et réalités coloniales. Pp. 116. Paris: Recueil Sirey. 1946.

- Meyer, Jacques.* Question de confiance; la constitution au banc d'essai. Pp. 236. Paris: A. Michel, 1948.
- Mill, Edward W.* The new republic of the Philippines. Pp. 16. Wash.: U.S. Govt. Print. Off. 1946.
- Moskalev, Moisei A.* Russkoe biuro TSK bolshevistskoi partii. Moscow, 1947.
- Pardo Zamora, Miguel L.* El sufragio universal en Chile. Pp. 116. Santiago, 1946.
- Perticone, Giacomo.* Gruppi e partiti politici nella vita pubblica italiana. Pp. 466. Modena: Guanda. 1938.
- Puntambekar, Shrikristina V.* Paramountcy in Indian politics. Pp. 80. Bombay: Huid Kitabs. 1947.
- Rawnholt, Henning.* The Danish coöperative movement. Pp. 107. Copenhagen: Det danske Selskab. 1947.
- Riess, Curt.* Joseph Goebbels; a biography. Pp. 383. Garden City: Doubleday. 1948.
- Romero, César E.* Reflexiones sobre constitución y federalismo. Pp. 26. Cordoba: Imp. de la Universidad. 1946.
- Roucek, Joseph S., ed.* Government and politics abroad. 2nd ed. Pp. 585. N.Y.: Funk and Wagnalls. 1948.
- Rourke, Thomas* [pseud. for D. J. Clinton]. Gomez, tyrant of the Andes. Pp. 336. Garden City: Haleyon. 1948.
- Sawyer, Geoffrey.* Australian government today. Pp. 48. Melbourne: Melbourne Univ. Press. 1948.
- Schaffer, Gordon.* Russian zone of Germany. Pp. 192. N.Y.: Sov. Russia Today Publication. 1948.
- Sharp, Paul F.* The agrarian revolt in western Canada; a survey showing American parallels. Pp. 204. Minneapolis: Univ. of Minn. Press. 1948.
- Thorsen, Svend.* Danmarks rigsdag. Pp. 187. Copenhagen: Forlaget Fremad. 1947.
- Virga, Pietro.* La crisi e le dimissioni del gabinetto. Pp. 94. Milan: A. Giurffe. 1948.
- Wakefield, Harold.* New paths for Japan. Pp. 230. N.Y.: Oxford. 1948.
- Warriner, Doreen.* Land and poverty in the Middle East. Pp. 148. London: Royal Inst. of Int. Affairs. 1948.
- Weil, Felix J.* Argentine riddle. Pp. 297, N.Y.: John Day Co. 1944.
- Williams, Basil.* Botha, Smuts, and South Africa. Pp. 227. N.Y.: Macmillan. 1948.
- Wolfe, Bertram.* Three who made a revolution. Pp. 661. N.Y.: Dial. 1948.
- Woolf, Leonard S.* Foreign policy; the Labour party's dilemma. Pp. 34. London: Gallancz. 1947.

Articles

- Albania.** Albania within the Slav orbit; advent to power of the Communist party. *Stavro Skendi.* Pol. Sci. Quar. June, 1948.
- Asia.** Asiatic outlook. *Robin Maugham* and *D. C.-H. H.* Soundings. Aug., 1948.
- . The special commission in South-East Asia. *A. S. B. Olver.* The British in Asia. *H. Venkatasubbiah.* Pacific Affairs. Sept., 1948.
- Australia.** Legal status of incorporated public authorities. *W. G. Friedmann.* Australian Law Jour. May, 1948.
- . Inconsistency between Commonwealth and state laws. *Howard Zelling.* Australian Law Jour. May, 1948.
- . Australia of the future; planning for a land of promise. *Geoffrey Hutton.* Commonwealth and Empire Rev. July, 1948.

- . Political prospects of Australian labor. *Lloyd Ross*. *Can. Forum*. Sept., 1948.
- Austria.** Austria: East or West? *K. R. S.* *World Today*. Aug., 1948.
- . Trade-union developments in postwar Austria. *Oscar Weigert* and *Theodore Lit.* *Mo. Labor Rev.* Sept., 1948.
- Belgium.** Ministres d'état. *T. Heye*. *Rev. Int. des Sciences Admin.* 1948.
- Brazil.** Constitutional evolution in Brazil. *R. G. W.* *World Today*. Aug., 1948.
- British Commonwealth.** Postwar strains on the British Commonwealth. *Nicholas Mansergh*. *Foreign Affairs*. Oct., 1948.
- Burma.** The Burmese viewpoint. *G. Appleton*. *Asiatic Rev.* July, 1948.
- Canada.** Canada's foreign minister: successor to Mr. Mackenzie King? *John Anderson*. *Commonwealth and Empire Rev.* July, 1948.
- . Canada and foreign affairs. *J. A. Gibson*. *Can. Hist. Rev.* June, 1948.
- . The evolution of the social credit movement. *John A. Irving*. *Disallowance and the national interest; the Alberta social credit legislation of 1937*. *J. R. Mallory*. *Can. Jour. of Econ. and Pol. Sci.* Aug., 1948.
- . The CCF and communism. *Leslie Thompson*. *Can. Forum*. Sept., 1948.
- . The Drury débâcle. *J. Lloyd Harrington*. *Can. Forum*. Oct., 1948.
- China.** Manchuria; trial by arms. *Earl E. Huyek*. *World Affairs Interp.* Summer, 1948.
- . Makers of modern China: I. the reformer, Kang Yu-wei. *Norman D. Palmer*. *Current Hist.* Aug. 1948.
- . The inflation in China. *Andrew C. Huang*. *Quar. Jour. of Econ.* Aug., 1948.
- . Hong Kong boom; China bust. *Eds.* *Fortune*. Sept., 1948.
- . The rôle of the military in Chinese government. *Ch'ien Tuan-sheng*. *Pacific Affairs*. Sept., 1948.
- . Makers of modern China, II: the strong man, Yuan Shih-kai. *Norman D. Palmer*. *Current Hist.* Sept., 1948.
- . Political factions in China. *Thurston Griggs*. *Am. Perspective*. Sept., 1948.
- . Death in China. *Gerald Winfield*. *U. N. World*. Oct., 1948.
- Constitutions.** New constitutions of Europe, Asia, and South America. *Hanop A. Freeman*. *Cornell Law Quar.* Sept., 1948.
- Czechoslovakia.** Social security in Czechoslovakia. *Eds.* *Int. Labour Rev.* Aug., 1948.
- Eastern Europe.** The new Eastern Europe. *Tibor Mende*. *Fortnightly*. July, 1948.
- Eire.** A note on Irish politics. *Francis X. Murphy*. *Catholic World*. Oct., 1948.
- Egypt.** Three classes in Egypt. *Pennethorne Hughes*. *Fortnightly*. July, 1948.
- . Society and politics in modern Egyptian literature. *J. Heyworth Dunne*. *Middle East Jour.* July, 1948.
- France.** La revolution administrative. *Albert Henry*. *Rev. Int. des Sciences Admin.* 1948.
- . France's future in North Africa. *Vernon McKay*. *Middle East Jour.* July, 1948.
- . Sur trois réformes politiques. *Max Lazard*. *L'indemnité parlementaire. André Sauwagest*. *Rev. Pol. et Parl.* July, 1948.
- . France and the problem of security in Germany. *M. K. Dziewanowski*. *Current Hist.* Sept., 1948.
- . When a French cabinet falls. *Louis Dolivet*. *U. N. World*. Oct., 1948.
- . French labor divided. *Walter Kerr*. *Foreign Affairs*. Oct., 1948.

General. Some comparative experience in adjusting local units and areas. *Edward W. Weidner*. *Am. Pol. Sci. Rev.* Aug., 1948.

Germany. Some psychological hypotheses on Nazi Germany. *Paul Kecskemeti* and *Nathan Lertes*. *Jour. of Soc. Psych.* May, 1948.

———. What to do in Germany now. *Otto Strasser*. *Dalhousie Rev.* July, 1948.

———. Our mistakes in Germany. *S. Miles Bouton*. *Am. Mercury*. Aug., 1948.

———. Outlook for the accounting profession in postwar Germany. *Konrad Engelmann*. *Jour. of Accountancy*. Aug., 1948.

———. The German balance sheet. *Sidney B. Fay*. *Current Hist.* Aug., 1948.

———. Key German cartels under the Nazi régime. *Philip C. Neuman*. *Quar. Jour. of Econ.* Aug., 1948.

———. On the theory of the centrally administered economy; an analysis of the German experiment, part II. *Walter Eucken*. *Economics*. Aug., 1948.

———. The Russian zone in Germany. *A. J. Fischer*. *Contemp. Rev.* Sept., 1948.

———. Business in Bizonia. *Eds. Fortune*. Sept., 1948.

———. "Reëducation" in Germany. *William F. Russell* and *Percy W. Bidwell*. *The choice in the Ruhr*. *William Diebold, Jr.* *Foreign Affairs*. Oct., 1948.

Great Britain. Britain's economic crisis; empire expansion, the way out. *L. S. Amery*. *Commonwealth and Empire Rev.* July, 1948.

———. Legislation through adjudication; the legal aspect of fair wages, clauses and recognized conditions. *O. Kahn-Freund*. *Modern Law Rev.* July, 1948.

———. The limits of judicial review; statutory discretions and the doctrine of ultra vires. *S. A. de Smith*. *Modern Law Rev.* July, 1948.

———. English traits; one hundred years after. *Henry Steele Commager*. *Nine. Cent. and After*. July, 1948.

———. Science and the nation. *Eds. Labour*. Aug., 1948.

———. Great Britain; flagship of European recovery. *Richard W. Van Alstyne*. *Britain's new program for the colonies*. *T. Walter Wallbank*. *Current Hist.* Aug., 1948.

———. British organization for defense. *C. F. Robinson*. *Pub. Admin. Rev.* Summer, 1948.

———. The crown proceedings act, 1947. *Harry Street*. *Pub. Admin.* Autumn, 1948.

———. Life under socialism in England. *H. W. Seaman*. *Am. Mercury*. Sept., 1948.

———. Gladstone, 1898-1948. *Gilbert Murray*. *Contemp. Rev.* Sept., 1948.

———. The parliamentary session. *Wilfrid Roberts*. *Contemp. Rev.* Sept., 1948.

———. Balfour and 1950. *John Tandy*. *Nat. Rev.* Sept., 1948.

———. Colonial policy of the British Labour party. *Peter C. Speers*. *Soc. Research*. Sept., 1948.

———. British propaganda. *Ladislas Farago*. *U. N. World*. Oct., 1948.

———. Britain's struggle for survival. *George Orwell*. *Commentary*. Oct., 1948.

———. Religion, politics, and oaths in the Glorious Revolution. *Charles F. Mullet*. *Rev. of Politics*. Oct., 1948.

Hungary. Hungary; formerly, yesterday, and today. *Raymond Beazley*. *Quar. Rev.* July, 1948.

———. Hungary's monetary crisis. *Bertrand Nogaro*. *Am. Econ. Rev.* Sept., 1948.

India. The states' declaration of independence. *M. K. Nambyar*. *Fed. Law Jour.* May-Sept., 1947.

———. Our foreign policy. *K. Das Gupta*. Defence of India. *C. Sivarama Sastri*. Modern Rev. June, 1948.

———. The house of Tata. *Frederick James*. An American view of the Indian scene. *Arthur U. Pope*. The industrial prospect in India. *Eric P. W. Da Costa*. Progress report on India and Pakistan. *Percival Griffiths*. Asiatic Rev. July, 1948.

———. A struggle for stability. *Percival Griffiths*. Nine. Cent. and After. July, 1948.

———. Some aspects of the draft constitution of India. *A. K. Ghosal*. Modern Rev. July, 1948.

———. Fasting and politics. *Americanus*. Nat. Rev. Aug., 1948.

———. Geography, sociology, and psychology; a plea for coördination, with an example from India. *Arthur Geddes*. Geographical Rev. Oct., 1948.

Iran. The problem of westernization in modern Iran. *Cuyler Young*. Middle-East Jour. Jan., 1948.

Iraq. The coup d'état of 1936; a study in Iraqi politics. *Majid Khadduri*. Middle East Jour. July, 1948.

Italy. The third force in Italy. *Richard Gould-Adams*. Nine. Cent. and After. July, 1948.

———. Italy after the elections. *Christopher Shawcross*. Fortnightly. July, 1948.

———. Italy after the elections. *K. M. Smogorzewski*. World Affairs. July, 1948.

———. The constitution of the Italian republic. *Mario Einaudi*. Am. Pol. Sci. Rev. Aug., 1948.

———. Letters to Italy. *Sylvan Gotshal* and *Halsey Munson*. Common Ground. Autumn, 1948.

———. Inflation and deflation in Italy. *A. O. Hirschman*. Am. Econ. Rev. Sept., 1948.

Indonesia. Blueprinting a new Indochina. *Ellen J. Hammer*. Pacific Affairs. Sept., 1948.

Japan. Japan's economy on the road back. *Jerome B. Cohen*. Pacific Affairs. Sept., 1948.

———. Trial balance in Japan. *W. I. Ladejinsky*. Foreign Affairs. Oct., 1948.

———. Japan's dream of empire. *Wilson L. Godshall*. Soc. Science. Oct., 1948.

Korea. The republic of Korea looks ahead. *Robert T. Oliver*. Current Hist. Sept., 1948.

Latin America. Latin America's economic aches. *Harry B. Myrklund*. Current Hist. Aug., 1948.

Malaya. Malayan disorders. *E. La Mothe Stowell*. Nat. Rev. Sept., 1948.

Mexico. Personal government in Mexico. *Frank Tannenbaum*. Foreign Affairs. Oct., 1948.

Newfoundland. Newfoundland and confederation in the eighteen-sixties. *H. B. Mayo*. Can. Hist. Rev. June, 1948.

New Zealand. The staff organization of the railways department. *A. F. Taylor*. The staff organization of the post and telegraph department. *L. W. Keys*. The information service of the government. *R. S. Odell*. New Zealand Institute of Public Administration; a retrospect. *D. K. Walker*. Jour. of Pub. Admin. Mar., 1948.

Peru. I call it slavery. *Willard Price*. U. N. World. Oct., 1948.

Philippines. America and Dr. Laurel. *David Bernstein*. Harper's. Oct., 1948.

———. Basic problems of Philippine economic development. *Salvador Araneta*. Pacific Affairs. Sept., 1948.

Poland. L'organisation des pouvoirs en Pologne. *Casimir Heyman* and *Adam Zalewski*. Rev. Pol. et Parl. July, 1948.

- . Poland in chains. *Stanislaw Mikolajczyk*. Soundings. Aug., 1948.
- Puerto Rico. Puerto Rican strength. *J. Mayone Stycos*. Common Ground. Autumn, 1948.
- Scandinavia. L'association administrative dans les pays du nord et son activité. *M. -P. Lassen*. Rev. Int. des Science Admin. 1948.
- South Africa. South Africa's outlook. *Leif Egeland*. Commonwealth and Empire Rev. July, 1948.
- . Such elections are dangerous. *Enid Lakeman*. Liberal. Aug., 1948.
- . South African problems. *W. R. Gordon*. Contemp. Rev. Sept., 1948.
- . South African swing-over. *Edgar H. Brookes*. Foreign Affairs. Oct., 1948.
- Spain. "Even Spain." *Arthur Lovejoy*. Quar. Rev. July, 1948.
- . Spain; a fascist pocket in Western Europe. *Francis Noel-Baker*. World Affairs. July, 1948.
- Switzerland. Switzerland faces an issue. *Marie H. Allen*. Modern Rev. June, 1948.
- . Proving ground for federalism. *William E. Rappard*. Freedom and Union. Sept., 1948.
- U.S.S.R. Finland and the Soviet Union. *J. Hampden Jackson*. World Affairs. July, 1948.
- . Milestones in the development of Soviet family law. *G. M. Suerdlov*. Public administration and reconstruction in the USSR. *John N. Hazard*. Birobidzhan—the Jewish autonomous region of the USSR. *J. M. Budish*. Am. Rev. on the Soviet Union. Aug., 1948.
- . Memoirs of a soviet author. *Dimitri Buligin*. Am. Mercury. Aug., 1948.
- . The Russian exile and his new republic. *Vera Sandomirsky*. Common Cause. Sept., 1948.
- . Curtains in the past. *Anatole G. Mazour*. Jour. of Mod. Hist. Sept., 1948.
- . Surprises in Russia. *Sam Welles*. Harper's. Sept., 1948.
- . The economic crisis behind Soviet expansion. *Guenther Reimann*. Commentary. Sept., 1948.
- . The Soviet approach to international trade. *Willis C. Armstrong*. Pol. Sci. Quar. Sept., 1948.
- . The postwar population of the Soviet Union. *N. S. Timasheff*. Am. Jour. of Sociol. Sept., 1948.
- . Diluted freedom. *Brice Toole*. Freedom and Union. Sept., 1948.
- . Russia's converts question the faith. *Leo Lania*. U. N. World. Oct., 1948.
- . The strength and the weaknesses of the Soviet Union. *N. S. Timasheff*. Rev. of Politics. Oct., 1948.
- Venezuela. Venezuela tries democracy. *Joseph F. Thorning*. World Affairs. Fall, 1948.
- Yugoslavia. Yugoslavia's five-year plan. *P. A. World Today*. Aug., 1948.
- . Conjectures on the rift in the Cominform. *Julian Amery*. Nine. Cent. and After. Aug., 1948.
- . Marshal Tito. *George Bilainkin*. Contemp. Rev. Sept., 1948.
- . The meaning of the Tito episode. *Samuel L. Sharp*. Am. Perspective. Sept., 1948.

INTERNATIONAL RELATIONS

Books and Pamphlets

Allen, James S. Marshall plan—recovery or war? Pp. 64. N.Y.: New Century Pub. 1948.

Bennett, J. G. The crisis in human affairs. Pp. 239. London: Hodder. 1948.

Best, Ethelwyn, and Pike, Bernard, eds. International voluntary service for peace, 1920–46. Pp. 155. London: Allen and Unwin. 1948.

Campbell, John C. The United States in world affairs, 1947–1948. Pp. 591. N.Y.: Harper. 1948.

Carr, Edward H. The moral foundations for world order. Pp. 26. Denver: Univ. of Denver. 1948.

Carroll, Wallace. Persuade or perish. Pp. 392. Boston: Houghton. 1948.

Churchill, Winston S. Sinews of peace. Pp. 256. London: Cassell. 1948.

Cockroft, J. D., and Dale, Henry. Atomic energy; its international implications. Pp. 128. London: Royal Inst of Int. Affairs. 1948.

Cottrell, Leonard S., and Eberhart, Sylvia. American opinion on world affairs in the atomic age. Pp. 152. Princeton: Princeton Univ. Press. 1948.

Earle, Edward M. National power and world order. Pp. 31. Denver: Univ. of Denver. 1948.

Eliot, George F. Hate, hope, and high explosives; a report on the Middle East. Pp. 284. Indianapolis: Bobbs-Merrill. 1948.

García Rivera, Armoudo. Cosmocracia. Pp. 158. Lima, 1947.

Goytia, Victor T. La función geográfica del Istmo; estudio jurídico-político. Pp. 247. Panama: Casa Ed. La Moderna. 1947.

Hall, Hessel D. Mandates, dependencies, and trusteeship. Pp. 445. Wash.: Carnegie Endowment for Int. Peace. 1948.

Harris, Seymour E., ed. Foreign economic policy for the United States. Pp. 503. Cambridge: Harvard Univ. Press. 1948.

Joseph, Bernard. British rule in Palestine. Pp. 286. Wash.: Pub. Affairs Press. 1948.

King, Janice C. and R. G. Manifesto for individual secession into world community. Pp. 101. Paris: Crosby. 1948.

Laur, Ernst F. La confédération internationale de l'agriculture et la reprise d'une collaboration internationale sur le plan agricole. Pp. 38. Brougg: Effingerhob. 1944.

Mackay, Ronald W. G. You can't turn the clock back. Pp. 367. Chicago: Ziff-Davis. 1948.

Metzger, Laure. American loans in the postwar period. Pp. 60. Wash.: Foundation for Foreign Affairs. 1948.

Miksche, F. O., and Combauz, E. War between continents. Pp. 211. London: Faber. 1948.

Morgenthau, Hans J. Politics among nations; the struggle for power and peace. Pp. 523. N.Y.: Knopf. 1948.

Murray, Gilbert. From the League to U. N. Pp. 217. N.Y.: Oxford Univ. Press. 1948.

Namyslowski, Wladyslaw. Systematyczny wyklad praiwa narodiów. Pp. 199. Olsztyn: "Bratniep Pomocy." 1947.

Niquille, Denise. Les traités de conciliation et d'arbitrage conclus par la Suisse entre les deux guerres mondiales. Pp. 114. Bulle: Editions du Comté. 1944.

Pritt, Dennis N. The state department and the cold war. Pp. 96. N.Y.: Int. Publishers. 1948.

Sayre, Francis B. Dependent peoples and world order. Pp. 24. Denver; Univ. of Denver. 1948.

Stuyt, Alexander M. The general principles of law as applied by international tribunals to disputes on attribution and exercise of state jurisdiction. Pp. 272. Gravenhage: M. Nyhoff. 1946.

Vogt, William. Road to survival. Pp. 351. N.Y.: Sloane. 1948.

Walser, Frank. The art of conference. Rev. ed. Pp. 217. N.Y.: Harper. 1948.

Welles, Sam. Profile of Europe. Pp. 395. N.Y.: Harper. 1948.

Whyte, Lancelot L. Everyman looks forward. Pp. 78. N.Y.: Holt. 1948.

Wittman, Ernő. History; a guide to peace. Pp. 423. N.Y.: Columbia Univ. Press. 1948.

Ziff, William B. The rape of Palestine. Pp. 599. London: St. Botolph's. 1948.

Articles

Arbitration. International arbitration in the postwar world. *Kenneth S. Carlston.* Mo. Law Rev. April, 1948.

Azores. The Azores in American strategy-diplomacy, 1917-1919. *Seward W. Livermore.* Jour. of Mod. Hist. Sept., 1948.

Berlin Blockade. The Berlin scene. *A. J. Fischer.* World Affairs. July, 1948.

———. The breakdown of four-power rule in Berlin. *J. E. W. and H. G. L.* World Today. Aug., 1948.

———. Berlin and Europe. *Jan Colvin.* Nat. Rev. Aug., 1948.

———. Currency reform in western Germany. "*Bergo.*" Soundings. Aug., 1948.

Dardanelles. Solutions to the problem of the Turkish straits. *Norman J. Padel-ford.* Middle-East Jour. Apr., 1948.

Diplomatic Machinery. Labour attachés. *Henry Hauck.* Int. Labour Rev. Aug., 1948.

European Recovery Program. Anglo-American economic coöperation. *R. F. Har-rod.* Soundings. Aug., 1948.

———. Can Americans help our industries? *Eds.* Labour. Aug., 1948.

———. The European recovery program—phase two. *Thomas C. Blaisdell, Jr.* Int. Organization. Sept., 1948.

———. Some European views on the Marshall plan. *Laura Metzger.* Am. Per-spective. Sept., 1948.

———. The European recovery program. *Gottfried Haberler.* Am. Econ. Rev. Sept., 1948.

———. Western Europe's attack on inflation. *Fred H. Klopstock.* Harvard Bus. Rev. Sept., 1948.

Inter-American Relations. Ninth Pan-American conference. *Paul E. Hadley.* World Affairs Interp. Summer, 1948.

———. The ninth international conference of American states. *Charles G. Fen-wick.* The Bogota charter of the organization of American states. *Josef L. Kunz.* Am. Jour. of Int. Law. July, 1948.

———. The Ecla conference. *Amos E. Taylor.* Bull. of Pan. Am. Union. Sept., 1948.

———. Recent changes in the inter-American system. *Edgar S. Furniss, Jr.* Int. Organization. Sept., 1948.

International Control of Aviation. Possible simplification of the Warsaw conven-tion liability rules. *Sune Wetter.* The Geneva commission on a multilateral air trans-port agreement. *Robert J. G. McClurlsin.* Jour. of Air Law and Com. Winter, 1948.

———. Le comité juridique international de l'aviation. *A. de La Pradelle.* L'in-

ternationalisation des lignes aeriennes long courrier. *P. de La Pradelle*. Vers l'internationalization de la navigation aerienne. *W. Wagner*. Le statut international des aerodromies. *J. Aumonier*. La revision de la convention de Varsovie. *J. Lacombe*. Rev. Gen. de l'Air. No. 2, 1948.

———. Les accords bilatéraux passés par les États-Unis. *M. le Goff*. Rev. Gen. de l'Air. No. 3, 1948.

International Law. L'effet sur la prescription liberatoire des actes judiciaires intervenus en pays étranger. *Francois Kallmann*. Rev. Crit. de Droit Int. Privé. Jan.—June, 1948.

———. The immunity of state-owned vessels in Swedish judicial practice during World War II. *Stig. Jägerskiöld*. Am. Jour. of Int. Law. July, 1948.

———. International criminal law—facts and illusions. *F. B. Schick*. Modern Law Rev. July, 1948.

———. Methods of enforcing international law. *Thomas R. White*. World Affairs. Fall, 1928.

International Trade. International trade and the equalisation of factor prices. *P. A. Samuelson*. Econ. Jour. June, 1948.

———. Regional multilateral payments arrangements. *Raymond F. Mikesell*. Quar. Jour. of Econ. Aug., 1948.

———. The dollar shortage in theory and fact. *Howard S. Ellis*. Postwar international trade agreements. *M. C. Urquhart*. Can. Jour. of Econ. and Pol. Sci. Aug., 1948.

League of Nations. The second third Assembly. *Vernon Bartlett*. U. N. World. Oct., 1948.

Monetary Systems. La devaluation francaise et la crise du système monétaire international. *Edouard Silz*. Rev. Pol. et Parl. July, 1948.

Nuremberg Trials. La definition et la repression des crimes contre l'humanité. *J. Grauen*. Rappel à ceux qui préparent la guerre. *T. Iliades*. La responsabilité pénale des collectivités. *J. A. Roux*. Les responsabilités des industriels dans la préparation de la guerre. *N. Veicopoulous*. Rev. de Droit Int. de Sciences Dip. et Pol. Jan.—Mar. 1948.

———. International law and the Nuremberg trial. *M. Harding-Barlow*. South African Law Jour. Aug., 1948.

Palestine. The partition of Palestine; a lesson in pressure politics. *Kermit Roosevelt*. Middle-East oil; the pattern of control. *John A. Loftus*. The legal system of Palestine under the mandate. *Norman Bentwich*. Middle East Jour. Jan., 1948.

———. British interests in the middle east. *Elizabeth Monroe*. Arab nationalism and Islam. *S. A. Morrison*. Sterling area currencies of the middle east. Middle East Jour. Apr., 1948.

———. Communist tactics in Palestine. *Martin Ebon*. Middle East Jour. July, 1948.

———. The making of Jewish statehood in Palestine. *Arieh Tartakomer*. Jewish Soc. Studies. July, 1948.

———. Behind the Palestine mess. *William B. Ziff*. Am. Mercury. Aug., 1948.

———. American foreign policy and Palestine. *Jacob Fried*. Chicago Jewish Forum. Fall, 1948.

———. The future of Arab-Jewish relations. *Aubrey S. Eban*. The U. S.—British entente on Palestine. *Hal Lehrman*. Commentary. Sept., 1948.

———. What next for the Arab League? *John Marlowe*. Commentary. Oct., 1948.

United Nations. The principles of national sovereignty and the United Nations Organization. *T. S. Venkataraman*. Fed. Law Jour. Oct.—Dec., 1947.

———. Legal aspects of the work of the United Nations. *Charles Fahy*. Ill. Law Rev. May-June, 1948.

———. United Nations in action. *Linden A. Mander*. United Nations trusteeship. *Dean E. McHenry*. United Nations progress report. *Royal Purcell*. World Affairs Interp. Summer, 1948.

———. Justice and law in the charter of the United Nations. *Mintauts Chakste*. Am. Jour. of Int. Law. July, 1948.

———. Progress report on human rights. *James P. Hendrick*. Dept. of State Bull. Aug. 8, 1948.

———. The United Nations. *H. F. Augus*. Can. Jour. of Econ. and Pol. Sci. Aug., 1948.

———. Eighteenth congress, second session, and the United Nations. *Sheldon Z. Kaplan*. Dept. of State Bull. Sept. 19, 1948.

———. Coordination of American security policy at the United Nations. *Donald C. Blaisdell*. Int. Organization. Sept., 1948.

Western Union. Union now? *M. J. Bonn*. The meaning of Benelux. *E. Cammaerts*. World Affairs. July, 1948.

———. Some aspects of the international migration problem. *Alfred Sauvy*. Int. Labour Rev. July, 1948.

———. Coalition for peace. *Hamilton Fish Armstrong*. Foreign Affairs. Oct., 1948.

World Federalism. Federalism in national and world organization. *John E. Nordskog*. World Affairs Interp. Summer, 1948.

———. Summary and program. *Robert M. Hutchins*. Eighteen cursory remarks on Mr. Ushorne's crusade. *G. A. Borgese*. Road to the world republic. *Harris Wolford*. Common Cause. Aug., 1948.

———. Symposium on proposals for now revising the United Nations into a federal world government; Pro: *R. M. Hutchins*, *H. C. Vrey*, *C. Meyer, Jr.*, *W. T. Holaday*, *J. P. Warburg*, and *T. K. Finletter*; Con: *G. C. Marshall*, *H. W. Briggs*, *I. E. Bennett*, *B. Brodie*, *N. A. Pelcovits*, and *J. Burnham*. Cong. Digest. Aug.-Sept., 1948.

World Health Organization. United action for world health. *Martha M. Eliot*. Survey Graphic. Sept., 1948.

———. Challenges and opportunities in world health; the first world health assembly. *H. van Zile Hyde*. Dept. of State Bull. Sept. 26, 1948.

World War III. The communist offensive and the United States. *A. Th. Polyzoides*. World Affairs Interp. Summer, 1948.

———. Communist policy in the Commonwealth and Empire. *Leslie Paul*. Commonwealth and Empire Rev. July, 1948.

———. A report from Berlin. *Anon.* Liberal. Aug., 1948.

———. Democracy losing by default. *Nathaniel Peffer*. Pol. Sci. Quar. Sept., 1948.

———. Across the green table from Stalin. *Philip E. Mosely*. Current Hist. Sept., 1948.

LOCAL GOVERNMENT

Books and Pamphlets

Aguilar Aguilar, Jorge. El municipio libre, su trayectoria e importancia en la vida pública de México. Pp. 81. Mexico, 1946.

Cope, Alfred H. The administration of civil service in cities of the third class in Pennsylvania. Pp. 166. Phila.: Univ. of Penn. Press. 1948.

Crumbine, Samuel J. Frontier doctor; the autobiography of a pioneer on the frontier of public health. Pp. 284. Phila.: Dorrance. 1948.

Holcombe, Richard L. Police patrol. Pp. 34. Iowa City: State Univ. of Iowa. 1948.

Jessup, Frank. Local government in outline; a study of how the system works in England and Wales. Pp. 56. London: Bureau of Current Affairs. 1948.

Keast, Horace. The local government service. Pp. 94. Leigh-on-the-Sea: Thames Bank Pub. Co. 1948.

Le Corbusier. Concerning town planning. Tr. by Clive Entwistle. Pp. 127. New Haven: Yale Univ. Press. 1948.

Millner, Ralph. Local government law in a nutshell. 2nd ed. Pp. 209. London: Sweet. 1948.

Noack, Victor, ed. Taschenbuch für Kommunalpolitiker. Pp. 340. Stuttgart: J. H. W. Dietz. 1922.

Robson, William A. The development of local government. 2nd ed. Pp. 376. London: Allen and Unwin. 1948.

Seuffert, S. The local government act, 1948. Pp. 125. London: Eyre. 1948.

Simon, R. Local councils and the citizen. Pp. 197. London: Stevens. 1948.

Whetten, Nathan L. Rural Mexico. Pp. 719. Chicago: Univ. of Chicago Press. 1948.

Articles

City Managers. First national institute for city managers. *Robert B. Morris.* Aug., 1948.

———. They like Los Angeles plan. *Earl R. Strathman.* Nat. Mun. Rev. Sept., 1948.

County Recreation. What's the matter with country recreation? *Tom Deering.* Am. City. Sept., 1948.

Finance. Salaries of municipal officials. *Eds.* Am. City. Sept., 1948.

———. Competitive bidding on public-requirement contracts. *Nelson Rosenbaum.* Am. City. Sept., 1948.

Germany. Local government in Bizonia. *A. H. Marshall.* Pub. Admin. Autumn, 1948.

Great Britain. The local government boundary commission's report; a comment. *G. D. H. Cole.* New town development corporations. *W. O. Hart.* Local government accounts and financial statistics. *Bernard Hazel.* Pub. Admin. Autumn, 1948.

Housing. International meeting focuses attention on universal housing crisis. *Morris H. Hirsh.* Am. City. Aug., 1948.

———. What cities may do to stimulate the building of new housing. *Fredrick H. Allen.* Am. City. Sept., 1948.

Nonpartisan Elections. It's a habit now in Dayton. *Richard S. Childs.* Nat. Mun. Rev. Sept., 1948.

Planning. Redevelopment without plan. *Ruth G. Weintraub* and *Rosalind Tough.* Nat. Mun. Rev. July, 1948.

———. Metropolis at the crossroads. *Paul Windels.* Nat. Mun. Rev. July, 1948.

———. Urban rebuilding plans face many high hurdles. *Eds.* Am. City. Aug., 1948.

———. Technique for neighborhood planning. *K. William Sasagawa.* Am. City. Aug., 1948.

———. Your city is what you make it. *Walter H. Blucher.* Pub. Management. Aug., 1948.

———. Architectural control in San Diego. *Glenn A. Rick.* Am. City. Sept., 1948.

Politics. The rape of New Orleans. *Lennox L. Moak and Helen R. Moak.* Defeat comes to Boss Crump. *Richard Wallace.* Nat. Mun. Rev. Sept., 1948.

State-Local Relations. Legislators usurp counties. *Anne K. Gregorie.* Nat. Mun. Rev. July, 1948.

Traffic. The fluid city of the future. *Leslie Williams.* Pub. Util. Fort. Sept. 23, 1948.

POLITICAL AND LEGAL PHILOSOPHY

Books and Pamphlets

Acton, Lord. Essays on freedom and power. Ed. by Gertrude Himmelfarb. Pp. 518. Boston: Beacon Press. 1948.

Aiken, Henry D. Hume's moral and political philosophy. Pp. 388. London: Hafner. 1948.

Alter, Marcus. Paths to lasting world peace. Pp. 546. San Francisco: Com. Pub. Co. 1948.

Bagehot, Walter. Physics and politics. Intro. by Jacques Barzun. Pp. 263. N.Y.: Knopf. 1948.

Bentham, Jeremy. An introduction to the principles of morals and legislation. Intro. by L. J. Lableur. Pp. 430. N.Y.: Hafner. 1948.

Bielsa, Rafael. El estadista y su pueblo. Pp. 172. Buenos Aires. 1945.

Blumel, Charles S. War, politics, and insanity. Pp. 121. Denver: World Press. 1948.

Bober, Mandell M. Karl Marx's interpretation of history. 2nd ed. Pp. 455. Cambridge: Harvard Univ. Press. 1948.

Boorstin, Daniel J. The lost world of Thomas Jefferson. Pp. 317. N.Y.: Holt. 1948.

Bychowski, Gustav. Dictators and disciples from Caesar to Stalin. Pp. 264. N.Y.: Int. Univ. Press. 1948.

Chase, Stuart. The proper study of mankind . . . ; an inquiry into the science of human relations. Pp. 331. N.Y.: Harper. 1948.

Corwin, Edward S. Liberty against government; the rise, flowering, and decline of a famous juridical concept. Pp. 223. Baton Rouge: La. State Univ. Press. 1948.

Cowell, F. R. Cicero and the Roman republic. Pp. 323. N.Y.: Chanticleer Press. 1948.

Dabin, Jean. Doctrina general del estado, elementas de filosofia politica. Pp. 513. Mexico City: Editorial Jus. 1946.

Debs, Eugene V. Writings and speeches. Pp. 512. N.Y.: Hermitage Press. 1948.

Devane, R. S. The failure of liberalism. Pp. 342. London: Longmans. 1948.

Dolléans, Édouard. Proudhon. Pp. 528. Paris: Gallimand. 1948.

Ferguson, Charles W. A little democracy is a dangerous thing. Pp. 126. N.Y.: Ass'n. Press. 1948.

Gandhi, Mohandas K. Autobiography. Tr. by Malsadev Desai. Pp. 651. Wash.: Pub. Affairs Press. 1948.

González Prada, Manuel. Anarquía, 4th ed. Lima: Editorial P. T. C. M. 1948.

Grabowsky, Adolf. Die politik, ihre elemente und ihre probleme. Pp. 452. Zürich: Pan-Verlag. 1948.

Haug, Hans. Die schranken der verfassungsrevision. Pp. 247. Zürich: Schulthess. 1947.

Hayek, Friedrich A. von. Individualism and economic order. Pp. 271. Chicago: Univ. of Chicago Press. 1948.

Hofstadter, Richard. The American political tradition and the men who made it. Pp. 407. N.Y.: Knopf. 1948.

Hollister, William W. Government and the arts of obedience. Pp. 139. N.Y.: King's Crown Press. 1948.

Homsher, Carl S. Government simplified. Pp. 224. Denver: Smith-Brooks Print Co. 1946.

Hughley, J. Neal. Trends in Protestant social idealism. Pp. 184. N.Y.: King's Crown Press. 1948.

Jones, Eli S. Mahatma Gandhi; an interpretation. Pp. 160. Nashville: Abingdon-Cokesbury. 1948.

Kallen, Horace M. The liberal spirit; essays on problems of freedom in the modern world. Pp. 242. Ithaca: Cornell Univ. Press. 1948.

Keeton, George W., and Schwarzenberger, Georg, eds. Jeremy Bentham and the law; a symposium. Pp. 266. London: Stevens. 1948.

Konwitz, Milton R., and Murphy, Arthur E., eds. Essays in political theory, presented to George H. Sabine. Pp. 341. Ithaca: Cornell Univ. Press. 1948.

Krutch, Joseph W. Henry David Thoreau. Pp. 311. N.Y.: Sloane. 1948.

Lasswell, Harold D. The analysis of political behavior. Pp. 323. N.Y.: Oxford. 1948.

Lorulot, André. Histoire populaire du socialisme mondial. Pp. 688. Herblay: Editions de l'Idée libre. 1945.

Lubac, Henri de. The un-Marxian socialist; a study of Proudhon. Tr. by R. E. Scantlebury. Pp. 304. N.Y.: Sheed and Ward. 1948.

Maxey, Chester C. Political philosophies. Rev. ed. Pp. 725. N.Y.: Macmillan. 1948.

Mayer, J. P., ed. The recollections of Alexis de Tocqueville. Tr. by A. T. de Mattes. Pp. 354. London: Harwell Press. 1948.

Montier, Edward. Les lions guides sociaux des jeunes. Pp. 280. Paris: Editions Spes. 1946.

Odegard, Peter H. Frontiers of freedom. Pp. 22. Columbus: Ohio State Univ. 1948.

Pavan, Pietro, ed. La vita sociale nei documenti pontifici. Pp. 365. Milan: vita e pensiero. 1946.

Proudhon, Pierre J. Textes choisis et présentés par Alexandre Marc. Pp. 316. Paris: Eglot. 1945.

Ramella, Pablo A. La estructura del estado. Pp. 604. Buenos Aires, 1946.

Richards, I. A. The Republic of Plato. Pp. 218. London: K. Paul. 1948.

Schenk, W. The concern for social justice in the puritan revolution. Pp. 191. N.Y.: Longmans. 1948.

Sheed, Francis J. Het communisme en de mensch. Pp. 234. Brussels: Sheed and Ward. 1947.

Talagrand, Jacques. La pensée marxiste. Pp. 223. Paris: A. Fayard. 1948.

Vega Oluera, Guadalupe. El federalismo como forma de gobierno. Pp. 53. Mexico, 1946.

Watkins, Frederick M. The political tradition of the West; a study in the development of modern liberalism. Pp. 382. Cambridge: Harvard Univ. Press. 1948.

Zarate, Fidel A. El tramonto del parlamentarismo. Pp. 262. Lima: Imp. Minerva. 1933.

Articles

Bentham. Bentham's "Limits of Jurisprudence Defined." *W. Friedmann.* Law Quar. Rev. July, 1948.

Brandeis. The liberalism of Louis D. Brandeis. *Solomon F. Bloom.* Commentary. Oct., 1948.

Brownson. Whence comes freedom? *Thomas R. Ryan*. Catholic World. Sept., 1948.

Calhoun. A key to American politics; Calhoun's pluralism. *Peter F. Drucker*. Rev. of Politics. Oct., 1948.

Citizenship. Citizenship; the Western way. *Viscount Jowitt*. World Affairs. July, 1948.

Communism. Ten fallacies of fellow-travelers. *W. H. Chamberlin*. Am. Mercury. Sept., 1948.

———. Are communists traitors to America? *Roscoe Drummond*. Am. Mercury. Oct., 1948.

Conservatism. Conservatism; equality. *T. E. Uley*. Nat. Rev. Aug., 1948.

Constant. Introduction to the study of Benjamin Constant. *Martin Turnell*. Nine. Cent. and After. July, 1948.

Democracy. Democracy re-examined. *R. F. Rattray*. Quar. Rev. July, 1948.

———. The administrator's responsibility towards a free society. *Clement Davies*. Pub. Admin. Autumn, 1948.

———. Symposium: can foreign policy be democratic? *Bertrand Russell, Mulford Q. Sibley, Nathaniel Peffer, Max Kampelman, and C. Hartley Grattan*. Am. Perspective. Sept., 1948.

Fourier. Le socialisme utopique et Fourier. *George Bourgin*. Rev. Pol. et Parl. July, 1948.

Gandhi. Common man in political philosophy and Gandhian reorientation. *B. P. Majundar*. Gandhian economics. *G. K. Bhatt*. "The Gandhian constitution." *Shriman N. Agarmal*, Modern Rev. June, 1948.

Law. English contributions to the philosophy of law. *Arthur L. Goodhart*. Columbia Law Rev. July, 1948.

Liberalism. Liberalism in the modern state; the philosophy of Henry Simons. *Charles O. Hardy*. Jour. of Pol. Econ. Aug., 1948.

———. What liberalism means to me. *John T. Flynn*. Am. Mercury. Aug., 1948.

Malthus. Malthus after 150 years. *G. F. McCleary*. Contemp. Rev. Sept., 1948.

Mill. J. S. Mill's *Logic*. *H. L. Stewart*. Univ. of Toronto Quar. July, 1948.

National Socialism. Reichswehr and national socialism; the policy of Wilhelm Groener, 1928-1932. *Gordon A. Craig*. Pol. Sci. Quar. June, 1948.

Political Science. Power and the democratic process—a definition of politics. *Ludwig Freund*. Soc. Research. Sept., 1948.

Religion and Politics. Religion and politics. *John de Courcy*. Quar. Rev. July, 1948.

Revolution. The myth of revolution. *J. F. Wolpert*. Ethics. July, 1948.

Sovereignty. Sovereignty. *Charles E. Merriam*. Common Cause. Aug., 1948.

Suarez. Francis Suarez. *Heinrich Rommen*. Rev. of Politics. Oct., 1948.

Toynbee. Is there a Western tradition? *Arnold J. Toynbee*. World Affairs. July, 1948.

———. Toynbee and universal government. *Scott Buchanan*. Common Cause. Sept., 1948.

William of Occam. Some recent interpretations of Ockham. *Anton C. Pegis*. Speculum. July, 1948.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Agriculture Department

Personnel office. Personnel administration development in Department of Agriculture, first 50 years; by Warner W. Stockberger . . . Virginia Smith . . . Washington, 1947. 216 p. (processed)

Civil Service Commission

Pay structure of the federal civil service, 1947. Washington, 1948. 20 p. (processed)

Commerce Department

Compendium of state government finances in 1947. Washington, 1948. 57 p. (processed).

——— Estimates of the population of the United States, by regions, divisions, and states, July 1, 1940 to 1947. Washington, 1948. 10 p. (processed)

——— Governmental revenue in 1947. Washington, 1948. 11 p. (processed)

——— State employment in 1948. Washington, 1948. 12 p. (processed)

——— State tax collections in 1948. Washington, 1948. 10 p. (processed)

Congress

House of representatives. Agriculture committee. National land policy act. Hearings . . . 80th Cong., 2d Sess., on H. R. 6054. Washington: Govt. Ptg. Off., 1948. 545 p. charts.

——— *Education and labor committee.* Investigation of communism in New York City distributive trades. Hearings, 80th Cong., 2d Sess., on H. Res. 111. Washington: Govt. Ptg. Off., 1948. 742 p.

——— *Interstate and foreign commerce committee.* National science foundation. Hearings, 80th Cong., 2d Sess., on H. R. 6007 and S. 2385. Washington: Govt. Ptg. Off., 1948. 142 p.

——— Un-American activities committee. Hearings regarding communist espionage in the United States government. Washington: Govt. Ptg. Off., 1948. 1377. (Contains the Chambers-Hiss-Bentley testimony.)

Senate. Banking and currency committee. Inflation control. Hearings, 80th Cong., 2d Sess. Washington: Govt. Ptg. Off., 1948. 425 p.

——— *Expenditures in executive departments committee.* United States relations with international organizations: II. A survey of the legislative activities of the eightieth congress. Report. . . . Washington: Govt. Ptg. Off., 1948. 74 p.

——— Export policy and loyalty. Hearings, 80th Cong., 2d Sess., on S. Res. 189. 2 parts. Washington: Govt. Ptg. Off., 1948.

——— Investigations of federal employees loyalty program. Interim report . . . pursuant to S. Res. 189. Washington: Govt. Ptg. Off., 1948. 29 p.

——— *Interstate and foreign commerce committee*. Study of methods of competition in commerce and impact of legislation and government regulations on American consumers. Hearings . . . on S. Res. 241. Washington: Govt. Ptg. Off., 1948. 112 p.

——— *Judiciary committee*. Control of subversive activities. Hearings. . . on H. R. 5852. Washington: Govt. Ptg. Off., 1948. 498 p.

Labor Department

National wage stabilization board. National wage stabilization board, Jan. 1, 1946–Feb. 24, 1947, documentary history of the Board, together with brief explanations of its formation, organization, and activities. . . . Washington: Govt. Ptg. Off., 1948. 594 p. [Historical reports on war administration.] \$1.25.

Women's bureau. Women in Latin America, legal rights and restrictions. Washington: Govt. Ptg. Off., 1948. 8 p. 10¢.

Library of Congress

Atomic energy: significant references covering various aspects of the subject, arranged topically. Series II, No. 15. Washington, 1948. (processed)

Library reference facilities in area of District of Columbia. 3d ed. Washington: Govt. Ptg. Off., 1948. 132 p. (processed) (free to libraries)

Public affairs bulletin no. 63: Hawaii and statehood. William R. Tansill. Washington, 1948. (processed)

State censuses: an annotated bibliography of censuses of population taken after the year 1790 by states and territories of the United States. Henry J. Dobester. Washington: Govt. Ptg. Off., 1948. 73 p. 20¢.

Naval War College

International law documents, 1946–47, v. 45. . . . in collaboration with Manley O. Hudson. Washington: Govt. Ptg. Off., 1948. 410 p. \$1.75.

Office of Military Government for Germany (U.S.)

Restricted and approved papers of the control council and coördinating committee. Allied control authority, Germany, 1 Jan. 1948–30 June 1948, and Index Volume I–IX. 95 p. (mim.)

State Department

First report to Congress on the economic coöperation administration. Washington: Govt. Ptg. Off., 1948. 97 p.

Foreign relations of the United States, 1932, Vol. I. Washington: Govt. Ptg. Off., 1948. 979 p.

Freedom of information in American policy and practice. William Gerber, Letitia A. Lewis. Washington, 1948. 65 p. (processed)

Territorial papers of the U.S., Vol. XIII. Washington, 1948. \$3.50.

Treaties and other international acts of the United States of America, Vol. VIII. Washington: Govt. Ptg. Off., 1948. 1065 p. (This is a resumption of the Hunter Miller series, though Mr. Miller prepared only about three-quarters of the present volume.)

The following in the numbered series of State Department publications have appeared, all from the Government Printing Office, 1948.

2866. Proceedings and comments of the U.N. monetary and financial conference. Bretton Woods, N.H., July 1-22, 1944. Volume I. 1126 p. \$3.50.
3074. Military and civil affairs: rights and privileges of United States forces in Italy, transfer of responsibility from the Allied military government to the Italian government. 19 p. 10¢.
3117. Havana charter for an international trade organization, March 24, 1948. 77 p.
3174. Report on Japanese reparations to the President of the United States, November, 1945, to April, 1946. 250 p. (processed) \$1.50.
3196. Toward a world maritime organization. 28 p. 15¢.
3202. Register of the Department of state, April 1, 1948. 507 p. \$1.50.
3203. Arms for the United Nations. 18 p.
3205. Third report to Congress on the United Nations foreign relief program. 104 p. 30¢.
3206. Havana charter for an international trade organization, March 24, 1948, including a guide to the study of the charter. 155 p. 35¢.
3219. Publications of the Department of State, a semi-annual list. July 1, 1948. 12 p.
3239. Significance of the Institute of Inter-American affairs in the conduct of U. S. foreign policy. 19 p.
3255. The United Nations: three years of achievement. 19 p.
3261. Presidential elections. Provisions of the Constitution and of the United States Code. 12 p.
3272. Atomic impasse. 48 p. 15¢.
3278. Fourth report to Congress on assistance to Greece and Turkey, for the period ended June 30, 1948. 71 p. 25¢.
3298. The Berlin crisis; a report on the Moscow discussions, 1948. 61 p. 20¢.

Temporary Controls Office, President of the United States

Historical reports on war administration; Price administration office; Problems in price control, stabilization subsidies: part 1. Stabilization subsidies, 1942-46, by Seymour E. Harris; part 2, Wartime subsidies and food price stabilization, by Philip Ritz. Washington: Govt. Ptg. Off., 1948. 242 p. 45¢.

Treasury Department

Internal revenue bureau. Work and jurisdiction of bureau of internal revenue. [Historical review of statutory jurisdiction and administrative problems, by Aubrey R. Marrs.] Washington: Govt. Ptg. Off., 1948, 485 p. \$1.00.

United States Mission to the United Nations

International control of atomic energy. Documents under discussion by the atomic energy commission of the United Nations, June-September, 1947. 1948. 58 p. (processed)

STATE AND TERRITORIAL

HAWAII

University of Hawaii, Honolulu. The Pacific era; a collection of speeches and other discourses in conjunction with the fortieth anniversary of the founding of the University of Hawaii, ed. by William Wyatt Davenport. . . . Honolulu, Univ. of Hawaii Press, 1948. 274 p.

——— *Legislative reference bureau.* Governmental expenditures in Hawaii. R. M. Kamins. Honolulu, 1948. 17 p. (mim.) 50¢.

——— *Tax system of Hawaii.* R. M. Kamins. Honolulu, 1948. 40 p. (mim.) 50¢.

ILLINOIS

Legislative council. Research dept. Constitutional revision in Illinois . . . Springfield, 1947. 41 p. (mim.)

University of Illinois, Urbana. Kaskaskia under the French régime, by Natalia Maree Belting. Urbana, Univ. of Ill. Press, 1948. 140 p. (Illinois studies in the social sciences, v. 29, no. 3.) \$1.50.

INDIANA

University of Indiana, Bloomington. Bureau of govt. research. State control of business through certificates of convenience and necessity. Ford P. Hall. Bloomington [1948] 154 p.

MARYLAND

University of Maryland, College Park. Bureau of public administration. Small government career service; a manual for Maryland. Claire Bracken. College Park, 1948. 56 p.

MICHIGAN

University of Michigan, Ann Arbor. Bureau of government. General constitutional revision in the states; a selected list of references covering the period 1937-1947. Comp. by Ione E. Dority. Ann Arbor, 1948. 8 p.

MISSISSIPPI

University of Mississippi, University. Bureau of public administration. A guide-book of the county sheriff, by R. B. Highsaw and C. D. Mullican, jr. University, 1948. 46 p.

——— *Improving the government of Batesville . . .* by E. McK. Johnson, jr. University, 1948. 19 p.

NEW JERSEY

Education department, Div. of state library, archives, and history. Bibliography of New Jersey official reports, 1905-1945 . . . D. F. Lucas, comp. Trenton 7, State House Annex, 1947. 256 p.

NEW MEXICO

University of New Mexico, Albuquerque. Dept. of Government. The public land question in New Mexico, by Jack E. Holmes. Albuquerque, 1947. 38 p. 50¢.

NEW YORK

Temporary state commission to study, codify, revise, and make uniform, so far as practicable, existing laws relating to counties. 4th interim report, 1946-1948. Albany, Williams Press, 1946-48.

New York City, Bureau of budget. Division of analysis. A study of the organizational structure of the department of sanitation. J. Mulilek, M. Rodes. New York 7, 1948. v. p.

——— *City planning commission.* A plan for Manhattan civic center and related improvements. New York 7, 1948. 29 p. il. plan. \$1.00.

OHIO

Ohio state university, Columbus. Bureau of business research. Public finance of air transportation; a study of taxation and public expenditures in relation to a developing industry, by R. W. Lindholm. Columbus, 1948. 178 p.

OREGON

University of Oregon, Eugene. Bureau of municipal research and service. Annual property tax levies in Oregon, 1922 to 1947-48. Eugene, 1948. 15 p.

SOUTH DAKOTA

University of South Dakota, Vermillion. Govt. research bureau. City manager government in South Dakota, by W. O. Farber. Vermillion, 1948. 48 p.

TENNESSEE

University of Tennessee, Knoxville. College of business administration. Budget administration in the Tennessee Valley Authority, by Donald C. Kull. Knoxville, 1948. 64 p.

TEXAS

University of Texas, Austin. Bureau of municipal research. The state property tax in Texas, by Lynn F. Anderson, Austin. 1948. 132 p.

WASHINGTON

University of Washington, Seattle. Bureau of govt. research and services. Centralized purchasing for Washington cities, by E. H. Campbell. Seattle, 1948. 24 p.

——— Planning as a solution to state and local problems; proceedings of the section on planning, 12th annual institute of government, 1947. Seattle, 1948. 48 p.

——— Retirement systems for municipal employees in cities of Washington as established by chap. 71, Laws of 1947. Comp. by D. C. Sampson. Seattle, 1948. 21 p.

FOREIGN AND INTERNATIONAL

ARGENTINA

Secretaría de educación de la nación. Las Malvinas son Argentinas. (Recopilación de antecedentes.) Buenos Aires, 1948. 47 p.

CANADA

External affairs department. Canada and the United Nations, 1947; report on the 2d session of the General Assembly. Ottawa, King's Printer, 1948. 276 p. 50¢.

GREAT BRITAIN

Colonial office. The colonial empire, 1947-48. Lond.: H.M.S.O., 1948. 101 p. 2/.

NETHERLANDS

Netherlands information bureau. The political events in the Republic of Indonesia. 1948. 64 p.

NORWAY

Kgl. Utenriksdepartement. Norges forhold til Sverige under Krigen 1940-45. II. Oslo, 1948. 176 p.

PALESTINE

Jewish agency for Palestine. The Jewish agency for Palestine before the Security Council of the United Nations: statements of Moshe Shertok and A. A. Silver. New York 16, E. 66th Street, 1948. 48 p.

SPAIN

Spanish embassy, Washington, D.C. Spanish problems: a reply to the article "Spain is still a problem" published in the Scottish Rite News Bulletin, May 29, 1948. Washington, 1948. 35 p.

SWEDEN

Kgl. Utenriksdepartement. Frågo i samband med Norska regeringens vistelse utan för Norge, 1940-43. Stockholm, 1948. 160 p.

YUGOSLAVIA

Office of information. Law on the press. Belgrade, 1948. 25 p.

INTERNATIONAL COURT OF JUSTICE

Conditions of admission of a state to membership in the United Nations. (Article 4 of the Charter.) Advisory opinion of May 28, 1948. Leyden, A. W. Sijthoff, 1948. 66 p.

The Corfu channel case. (Preliminary objection.) Judgment of March 25, 1948. Order of March 26, 1948. Leyden, A. W. Sijthoff, 1948. 55 p.

PAN AMERICAN UNION

Charter of the organization of American states, signed at the ninth international conference of American states, Bogotá, March 30-May 2, 1948. Washington, 1948. 91 p.

Economic agreement of Bogotá . . . Washington, 1948. 75 p.

Final act . . . Washington, 1948. 57 p.

Inter-American convention on the granting of political rights to women, signed at ninth international conference of American states, Bogotá, March 30-May 2, 1948. Washington, 1948. 11 p.

Summary of the results of the Gran Colombia economic conference and the Inter-American conference on conservation of renewable natural resources. Washington, 1948. v.p. (mim.)

UNITED NATIONS

Documents index unit. Check list of reports to the economic and social council and to its subsidiary organs of June 30, 1948. Lake Success, N.Y., 1948. 42 p. (mim., not for distribution).

Economic and social council. Ad hoc committee on genocide. Report of the committee and draft convention . . . Lake Success, N.Y., 1948. 59 p. (mim.)

——— Final act of the United Nations conference on freedom of information. Lake Success, N.Y., 1948. 52 p. (mim.)

General assembly. Balkans. Supplementary report of the United Nations special committee on the, for the period June 17 to September 19, 1948. Lake Success, N.Y., 1948. 36 p. (mim.)

——— *Fifth committee.* Annual survey of the effectiveness of the programme of public information. Lake Success, N.Y., 1948. 42 p. (mim.)

- *Interim committee*. The problem of voting in the Security Council. Report . . . to the General Assembly. Lake Success, N.Y., 1948. 42 p. (mim.)
- Study of methods for the promotion of international coöperation in the political field. Lake Success, N.Y., 1948. 34 p. (mim.)
- Palestine, Progress report of the United Nations mediator for. Lake Success, N.Y., 1948. 3 parts. (mim.)
- *Sec'y. Gen.* Information from non-self-governing territories. Summary and analysis of information transmitted under Article 73e of the Charter. Lake Success, N.Y., 1948 (10 unnumbered parts, mim.)
- Security council. Commission for conventional armaments*. Resolutions adopted . . . and a second progress report. . . . Lake Success, N.Y., 1948. 45 p. (mim.)
- *Commission of good offices on the Indonesian question*. Second report on political developments in Western Java. Lake Success, N.Y., 1948. 38 p. (mim.)
- Letter from the representatives of the United Kingdom and the United States . . . transmitting the report of the administration of the British-American zone of the Free Territory of Trieste for the period 1 April to 30 June, 1948. Lake Success, N.Y., 1948. 36 p. (mim.)

INDEX TO VOLUME XLII

COMPILED BY MARY TRACKETT REYNOLDS

Connecticut College

- Abbott, Roger S. The Federal Loyalty Program 486
- Abraham, Hans F. Books noticed . . 156
- Abrams, Ray H. Books noticed . . 610
- Adams, M. Ray. Books of, reviewed 150
- Adams, Thomas R. Books noticed . 1038
- ADMINISTRATIVE LAW. Book reviews on: New York University Law School, *1946 Annual Survey of American Law* 1001
- Warren, George (ed.), *The Federal Administrative Procedure Act and the Administrative Agencies* 120
- Book notices 162
- ADMINISTRATIVE PROCESS. Appleby, Paul H., *The Influence of the Political Order* 272
- Nourse, E. G., and Gross, B. W., *The Role of the Council of Economic Advisers* 282
- See also PUBLIC ADMINISTRATION
- AFRICA. Book notices 599
- Book reviews on: Buell, Raymond L., *Liberia* 367
- Dubois, W. E. B., *The World and Africa* 367
- AGRICULTURE. Book reviews on: Griswold, A. W., *Farming and Democracy* 993
- Aikin, Charles. Book reviews . 121, 1014
- Allen, Herbert S. Books noticed . 1041
- Allen, Edward D. Books noticed . 386
- AMERICAN POLITICAL SCIENCE ASSOCIATION. Forty-third Annual Meeting 91
- Presidential Address 1
- News and Notes 101, 337, 579, 781, 984, 1197
- Americano, Jorge. Books of reviewed 363
- Amery, L. S. Books of, reviewed . 786
- Anderson, William. Book reviews . 785
- Apelt, Willibalt. Books of, reviewed 359
- Appleby, Paul H. *The Influence of the Political Order* 272
- ARABIA. Book reviews on: Steiner, M. J., *Inside Pan-Arabia* 364
- Armstrong, Hamilton Fish. Books noticed 381
- Arne, Sigrid. Books noticed 604
- Ashley, Maurice. Books noticed . . 169
- ASIA. Book notices 825
- ATOMIC ENERGY. Book notices . . 164
- Book reviews on: Royal Institute of International Affairs, *Atomic Energy: Its International Implications* 588
- Aumann, Francis R. Book notices . 1243
- Book reviews 569
- AUSTRALIA. Book notices 1243
- Book reviews on: Greenwood, Gordon, *The Future of Australian Federalism* 357
- AVIATION. Book reviews on: Cooper, John C., *The Right to Fly* 142
- Ayearst, Morley. Book notices . . 1033
- Bachman, George W. Books of, reviewed 1221
- Baerwald, Friedrich. Books noticed 387
- Bailey, Thomas A. Books of, reviewed 1018
- Baldwin, Hanson W. Books of, reviewed 1229
- Ballantine, Duncan S. Books noticed 376
- Barber, Willard F. Book notices . . 830
- Barclay, Thomas S. Book reviews . 992
- Barnett, Vincent M., Jr. Book notices 819
- Book reviews 118
- Barry, J. V. Books noticed 1009
- Barth, Karl, Books of, reviewed . 1009
- Bartlett, Ruhl. Books noticed . . . 376
- Bassett, Thomas. Book notices . . 1252
- Bean, Louis H. Books noticed . . . 1022

- Beard, Charles A. Neglected Aspects of Political Science. . . . 211
 Books of, reviewed. 801
 Memorial. 1208
 Bennett, Walter H. Book notices. . 378
 Benson, George C. S. Book reviews 572
 Berdahl, Clarence A. Book reviews 995
 Bernstein, David. Books noticed. . 817
 Beyle, Herman C. Book reviews. . 352
 BIBLIOGRAPHY. Childs, James B.,
 Notes on Some Recent Docu-
 mentary Materials. 641
 Fellman, David. Doctoral Dis-
 sertations in Political Science. 759
 Hagan, Charles B., and Ran-
 ney, J. A. Recent Publications
 of Political Interest. 834, 1043, 1257
 Price, Miles O. Government
 Publications.
 188, 407, 634, 856, 1070, 1278
 Sibley, M. Q. and M. H., Re-
 cent Publications of Political
 Interest. 173, 391, 612
 Bishop, Hillman W. Books noticed 594
 Blakey, Roy G. Book notices. . . 590
 Bluemel, C. S. Books noticed. . . 1249
 Boggs, S. Wittemore, Geographic
 and Other Scientific Tech-
 niques for Political Science. . . 223
 Bollens, John C. Books noticed. . 1030
 Bone, Hugh A. The Repeal of P.R.
 in New York City. 1127
 Borgese, G. A. Books noticed. . . 1248
 Bowen, Ralph H. Books noticed. . 384
 Bradshaw, William L. Book notices 158
 Brady, Alexander. Books of, re-
 viewed. 580
 Braibanti, Ralph J. D. Book re-
 views. 797
 Brant, Irving. Books noticed. . . 1026
 BRAZIL. Book notices. 161
 Brewster, Wallace. Book notices
 170, 1039
 Briggs, Herbert W. Books noticed. 604
 Browder, Earl. Books noticed. . . 607
 Brown, D. Mackenzie. Book notices 831
 Book reviews. 371
 Brown, Esther Lucile. Books
 noticed. 1039
 Brown, Everett S. The Tenure of
 Cabinet Officers. 529
 Book reviews. 801
 Brownlee, O. H. Books noticed. . 386
 Bryson, Lyman. Books noticed. . 170
 Buchanan, Norman S. Books of, re-
 viewed. 573
 Buck, Philip W. Books noticed. . 1030
 Buck, John L. Books of, reviewed. 1236
 Budenz, Louis F. Books noticed. . 372
 Buell, Raymond L. Books of, re-
 viewed. 367
 BURMA. Book reviews on: Furnivall,
 J. S., *Colonial Policy and Prac-*
tice. 1019
 Busch, Noel. Books of, reviewed. . 797
 Butler, Harold. Books of, reviewed. 804
 Byrnes, James F. Books of, re-
 viewed. 349
 Cahn, William. Books noticed. . . 1042
 Campbell, R. M. Book reviews. . 816
 CANADA. Book notices. 606
 Book reviews on: Brady, Alex-
 ander, *Democracy in the Do-*
minions. 580
 Dawson, R. M., *The Govern-*
ment of Canada. 582
 Cantril, Hadley. Books noticed. . 172
 Carlson, Reynold E. Books noticed. 1033
 Carr, E. H. Books noticed. . . . 826
 Carr, Robert K. Books of, reviewed 567
 Carroll, Marie J. Books noticed. . 167
 Carroll, Wallace. Books noticed. . 1250
 Carrow, Milton M. Books noticed. 1242
 Carson, J. S. G. Book notices. . . 1041
 Carter, Edward W. Book notices. . 822
 Cave, Floyd A. Books noticed. . . 1037
 Chamberlain, Lawrence H. Books
 noticed. 828
 Chase, Eugene P. Book notices. . 609
 Book reviews. 583
 Cherington, Charles R. Books no-
 ticed. 1239
 Childs, Harwood L. Book reviews. 989
 Childs, James B. Notes on Some
 Recent Documentary Ma-
 terials. 641
 Childs, J. Rives. Books of, reviewed 566
 CHINA. Book notices. 1250
 Book reviews on: Buck, John L.,
et al., *There Is Another China*. 1236

- Fairbank, John K., *The United States and China*.....1234
- Pelcovits, N. A., *Old China Hands and the Foreign Office*.. 366
- CIVIL RIGHTS. Abbott, Roger S., *The Federal Loyalty Program*..... 486
- Cushman, Robert E., *The Supreme Court, 1937-1947: Civil Liberties*..... 42
- Book notices..... 819, 823, 831, 1254
- Book reviews on: Carr, Robert K., *Federal Protection of Civil Rights*..... 567
- Konvitz, Milton R., *The Constitution and Civil Rights*..... 117
- MacIver, R. M., *The More Perfect Union*..... 998
- Clark, John M. Books noticed.... 607
- Clark, Tom C. Books noticed..... 819
- Cline, Dorothy I. Books noticed... 1241
- Clyde, Paul Hibbert. Books noticed.....1036
- Coale, Ansley J. Books noticed.... 164
- Cole, Kenneth C. *The Theory of the State as a Sovereign Juristic Person*..... 16
- Cole, Taylor. Books of, reviewed.. 584
- Collier, John. Books noticed..... 158
- COLOMBIA. Grant, J. A. C., "Contract Clause" Litigation in Colombia.....1103
- Book notices.....1245
- Commager, Henry Steele. Books noticed..... 597
- COMMUNISM. Book notices.... 372, 607
- Book reviews on: Bernstein, Samuel *et al.*, *A Centenary of Marxism*..... 817
- Ebon, Martin, *World Communism Today*.....1013
- Fischer, Ruth, *Stalin and German Communism*.....1226
- Markham, R.H., *Tito's Imperial Communism*..... 135
- Oneal, James, and Werner, G. A., *American Communism*.... 124
- CONGRESS. See LEGISLATIVE PROCESS
- Connery, Robert H. A Laboratory Method for Teaching Public Administration..... 68
- CONSTITUTIONAL LAW. Cushman, Robert E., *Constitutional Law in 1946-47*..... 469
- , *The Supreme Court, 1937-1947: Civil Liberties*..... 42
- Grant, J. A. C., "Contract Clause" Litigation in Colombia.....1103
- Harris, Robert J., *Ten Years of the Supreme Court: Due Process*..... 32
- Neumann, Robert G., *New Constitutions in Germany*.... 448
- Pritchett, C. Herman, *The Roosevelt Court: Votes and Values*..... 53
- Sherwood, Foster H., *State Constitutional Law in 1947-48* 694
- Book notices..... 819, 822, 1028, 1033
- Book reviews on: Carr, R. K., *Federal Protection of Civil Rights*..... 567
- Fenn, Percy T., *The Development of the Constitution in the Case Law of the Supreme Court*. 564
- Gerald, J. E., *The Press and the Constitution*..... 999
- Konvitz, Milton R., *The Constitution and Civil Rights*.... 117
- New York University School of Law, *1946 Annual Survey of American Law*.....1001
- Cook, H. C. Book notices..... 158, 1030, 1042
- Cook, James Allan, Books noticed.1028
- Cook, Thomas I. Book reviews.... 147, 150
- Books noticed..... 609
- Cooke, Morris L. *The Early Days of the Rural Electrification Idea*..... 431
- Cooper, John C. Books of, reviewed 142
- Corry, J. A. Books of, reviewed.. 146
- Corwin, Edward S. Book reviews.. 117
- Cottrell, Leonard S., Jr., Books noticed.....1246
- Coulter, E. Merton. Books noticed. 378
- COUNTY GOVERNMENT. Book notices.....379, 823
- Crighton, John Clark. Books noticed..... 820
- Crowther, Geoffrey. Books noticed.1038

- Cushman, Robert E. Constitutional Law in 1946-47..... 469
 Ten Years of the Supreme Court, 1937-1947..... 32
- CZECHOSLOVAKIA. Book reviews on:
 Diamond, William, *Czechoslovakia Between East and West*...1227
- Dangerfield, Royden J. Books of, reviewed..... 807
- Davey, Harold W. Book reviews.....145 353
- Davidson, Donald. Books noticed. 596
- Dawson, R. MacGregor. Books of, reviewed..... 582
- Dean, Vera Micheles. Books of, reviewed..... 127
- DEMOCRACY. Book notices..... 594
 Book reviews on: Corry, J. A., *Elements of Democratic Government*..... 146
 Finer, Herman, *America's Destiny*..... 562
 Rossiter, Clinton L., *Constitutional Dictatorship*.....1006
- De Schweinitz, Karl. Books of, reviewed..... 571
- De Viana, Arizio. Books noticed.. 161
- Dewey, A. Gordon. Book notices..1031
- Dharker, C. D. Books noticed....1034
- Diamond, William. Books of, reviewed.....1227
- Dickinson, Robert E. Books of, reviewed..... 785
- Dillon, Conley H. Book notices...1028
- Dillon, Mary Earhart. Book notices.....594, 1026
- DIPLOMACY. Book notices.....
155, 376, 830, 1246
 Book reviews on: Beard, Charles A., *President Roosevelt and the Coming of the War*..... 801
 Byrnes, James, *Speaking Frankly*..... 349
 Childs, J. Rives, *American Foreign Service*..... 566
 Feis, Herbert, *The Spanish Story*..... 791
 Franklin, William McH., *Protection of Foreign Interests*... 122
 Hull, Cordell, *Memoirs*..... 995
- Pelcovits, N. A., *Old China Hands and the Foreign Office*.. 366
- Dodge, Guy Howard. Books of, reviewed..... 147
- Domke, Martin. Books noticed.... 828
- Donnelly, Thomas C. Books noticed..... 378
- Doob, Leonard W. Books of, reviewed..... 989
- Dorr, Harold M. Book reviews....1218
- Downum, Garland. Book notices..1034
 Book reviews..... 367
- DuBois, W. E. B. Books of, reviewed 367
- Dull, Paul S. Book notices.....1243
- Dunn, Robert W. Books noticed.. 823
- Eagleton, Clyde. Book reviews.139, 349
 Books noticed.....1036
- Ebenstein, William. Toward International Collaboration in Political Science.....1181
- Eberhart, Sylvia. Books noticed...1246
- Ebon, Martin. Books of, reviewed.1013
- ECONOMIC RECONSTRUCTION. Book notices.....1037, 1038
- ECONOMIC REGULATION. Davey, Harold W., *The Experience of Other Countries*..... 295
 Marx, Fritz M., *Formulating the Federal Government's Economic Program*..... 272
 Wright, David McC., *Democracy and Progress*..... 815
 Book notices.154, 595, 822, 1039, 1239
 Book reviews on: Griswold, A. W., *Farming and Democracy*.. 993
 Lauterbach, Albert, *Economic Security and Individual Freedom*..... 984
 Mitchell, Broadus, *Depression Decade*..... 344
 Rostow, E. V., *A National Policy for the Oil Industry*.... 577
 Stocking, G. W., and Watkins, M. W., *Cartels or Competition?*.....1237
 Trachsel, H. H., *Public Utility Regulation*..... 353
- ECONOMIC WARFARE. Book review on: Gordon, D. L., and Dangerfield, R. L., *The Hidden Weapon*

- on..... 807
- EDUCATION. Book notices..... 591, 821
- Ehrmann, Henry W. Book reviews. 359
- Ehrmann, Howard M. Books noticed..... 606
- Einaudi, Mario. The Constitution of the Italian Republic..... 661
- Eldersveld, Samuel J. Books noticed..... 598
- ELECTIONS. Zeller, Belle, and Bone, Hugh A., *The Repeal of P.R. in New York City*..... 1127
- Book Notices..... 1022, 1027
- See also POLITICAL PARTIES, VOTING
- Ellis, L. Ethan. Books noticed... 1026
- Emch, Donovan F. Book notices.. 1040
- EUROPE. Book notices.....
- .. 159, 169, 603, 605, 827, 1038, 1247
- Book reviews on: Diamond, William, *Czechoslovakia Between East and West*..... 1226
- Markham, R. H., *Tito's Imperial Communism*..... 135
- Rowse, A. L., *The End of an Epoch*..... 589
- Stolper, Gustav, *German Realities*..... 806
- Evans, David O. Books noticed... 1252
- Evatt, Herbert. Books noticed... 605
- Fairbank, John K. Books of, reviewed..... 1234
- Fairman, Charles. Book notices... 1242
- Farber, William O. Books noticed. 1029
- FAR EAST. Book notices..... 592, 1036
- Book reviews on: Cole, Taylor and Hallowell, John H. (eds.), *Postwar Governments of the Far East*..... 584
- Smith, Sara R., *The Manchurian Crisis, 1931-1932*..... 1233
- Vincent, John Carter, *America's Future in the Pacific*..... 143
- Faust, Martin L. Book reviews... 345
- FEDERALISM. Book notices. 156, 596, 821
- Book reviews on: Brady, Alexander, *Democracy in the Dominions*..... 580
- Greenwood, Gordon, *The Future of Australian Federalism*.. 357
- Rappard, W. E., *La Constitution Fédérale de la Suisse*.... 1222
- Feis, Herbert. Books of, reviewed.. 791
- Fellman, David. Doctoral Dissertations in Political Science..... 759
- Book notices..... 171, 172, 598
- Books noticed..... 157
- Fenn, Percy T. Books of, reviewed. 564
- Ferguson, John H. Book notices... 387, 595
- Fernbach, Alfred P. Book notices.. 167, 169, 607
- Fesler, James W. Book reviews.... 782
- Fifield, Russell H. The Introductory Course in International Relations..... 1189
- The Postwar World Map.... 533
- Book notices..... 1036
- Finer, Herman. Books of, reviewed 562
- Finkelstein, Louis. Books noticed.. 170
- Fischer, John. Books of, reviewed.. 126
- Fischer, Ruth. Books of, reviewed. 1226
- Fitzgibbon, Russell H. Book notices..... 1245
- Flechtheim, Ossip K. Book reviews. 1013
- Fleming, Denna Frank. Book notices..... 605
- Fletcher, Mona. Book notices.... 610
- FRANCE. Book notices.... 162, 388, 1242
- Book reviews on: Wright, Gordon, *The Reshaping of French Democracy*..... 789
- Franklin, William McHenry. Books of, reviewed..... 122
- Frasure, Carl M. Book notices... 376, 1036, 1254
- Freidel, Frank. Books of, reviewed 781
- Freund, Ludwig. Book reviews... 1224
- Friedmann, W. Books of, reviewed 800
- Frost, Richard. Books noticed.... 382
- Furnivall, J. S. Books of, reviewed. 1019
- Galloway, George B. Book reviews 356
- Gauer, Harold. Books noticed.... 158
- Gerald, J. Edward. Books of, reviewed..... 999
- GERMANY. Neumann, Robert G., *New Constitutions in Germany*..... 448
- Book notices..... 162, 381, 384, 600, 824, 1032

- Book reviews on: Apelt, Willibalt, *Geschichte der Weimarer Verfassung*..... 359
 Barth, Karl, *The Only Way*... 1009
 Friedmann, W., *The Allied Military Government of Germany*..... 800
 Knappen, Marshall, *And Call It Peace*..... 360
 Loewenstein, Hubertus, *The Germans in History*..... 129
 Price, H., and Schorske, C. E., *The Problem of Germany*..... 1009
 Stolper, Gustav, *German Realities*..... 806
 Trevor-Roper, H. R., *The Last Days of Hitler*..... 130
 Unkelbach, Helmut, *Deutsche Staatsgestaltung*..... 1224
 Warburg, James P., *Germany—Bridge or Battleground?*..... 133
 Gibson, Hilden. Book notices..... 388, 1249, 1256
 Gibson, William M. Book notices.. 166
 Books noticed..... 1245
 Godshall, Wilson Leon. Book notices..... 1038
 Gooch, Robert K. Book notices. 162, 605
 Goodrich, Leland M. Books noticed..... 167
 Gordon, David L. Books of, reviewed..... 807
 Gossell, Harold F. Books of, reviewed..... 172, 987, 1246
 Graham, Malbone W. Books of, reviewed..... 803
 Grant, J. A. C. "Contract Clause" Litigation in Colombia..... 1103
 Graves, W. Brooke. Book notices.. 153
 GREAT BRITAIN.
 Weidner, Edward W., *Some Comparative Experience in Adjusting Local Units and Areas*..... 730
 Book notices..... 382, 599, 605, 825, 1031, 1033, 1034, 1244, 1245
 Book reviews on: Amery, L. S., *Thoughts on the Constitution*... 786
 Furnivall, J. S., *Colonial Policy and Practice*..... 1019
 Hemingford, Lord, *What Parliament Is and Does*..... 583
 McGuire, Paul, *Experiment in World Order*..... 1231
 Warren, J. H., *The English Local Government System*..... 1014
 Greene, Evarts B. Books noticed.. 386
 Greene, Lee S. Book notices..... 378
 Greenwood, Gordon. Books of, reviewed..... 357
 Griggs, Thurston. Books noticed.. 1250
 Griswold, A. Whitney. Books of, reviewed..... 993
 Groves, Harold M. Book reviews.. 783
 Books noticed..... 590
 Grummon, Stuart Edgar. Books noticed..... 610
 Guest, S. Haden. Books of, reviewed..... 792
 Hadsel, Winifred N. Book notices..... 163, 826, 1250
 Book reviews..... 807
 Hagan, Charles B. Book notices..... 597, 608
 Hall, Ford P. Book reviews..... 1237
 Books noticed..... 822
 Hall, H. Duncan. Book reviews... 786
 Hall, Robert B. Books of, reviewed 351
 Hallowell, John H. Book notices..... 609, 584, 1251
 Book reviews..... 818
 Hamburger, E. Books noticed.... 1254
 Harcave, Sidney. Book notices.... 384
 Book reviews..... 126
 Hardin, Charles M. Reflections on Agricultural Policy Formation in the United States..... 881
 Book reviews..... 993
 Harris, Joseph P. Book reviews... 571
 Harris, Robert J. Book reviews... 564
 Harris, Seymour E. Books noticed. 591
 Books of, reviewed..... 345
 Harrison, Wilfrid. Books noticed.. 1256
 Hart, Frank. Books noticed..... 1245
 Hartz, Louis. Books noticed..... 1039
 Hazard, John. Book reviews..... 1226
 Hazlitt, Henry. Books noticed.... 601
 Hecht, David. Books noticed..... 171
 Heimann, Edward. Books of, reviewed..... 151
 Heinig, Kurt. Books of, reviewed.. 1238

Helmreich, E. C. Book notices.... 827
 Helms, E. Allen. Book notices....
372, 1024
 Books of, reviewed..... 153
 Hemingford, Lord. Books of, re-
 viewed..... 583
 Héndel, Samuel. Books noticed.... 594
 Herz, John H. Book notices..... 162
 Hesseltine, William B. Books no-
 ticed.....1024
 Hibbard, Richard E. Book reviews. 122
 Hickman, C. Addison. Books of, re-
 viewed..... 145
 Highsaw, Robert Baker, Books no-
 ticed.....156, 159, 824, 1241
 Hill, Norman L. Book notices..... 604
 Book reviews..... 351
 Hill, Russell. Books noticed..... 600
 Hocking, William Ernest. Books of,
 reviewed..... 352
 Hofstadter, Richard. Books of, re-
 viewed.....1214
 Hollister, William W. Books no-
 ticed.....1251
 Hoyt, Homer. Books noticed.....1040
 Huegli, Albert G. Book reviews...1214
 Hull, Cordell. Books of, reviewed.. 995
 Husson, Leon. Books of, reviewed. 816
 Hutchins, Robert M. Books no-
 ticed.....1248

INTERNATIONAL LAW. Book notices
604, 1249
 Book reviews on: Americano,
 Jorge, *The New Foundation of
 International Law*..... 363
 Jessup, Philip C., *A Modern
 Law of Nations*.....1015
 Lauterpacht, H., *British Year
 Book of International Law,
 1946*..... 810
 —, *Recognition in Interna-
 tional Law*..... 586
 Nussbaum, Arthur, *A Concise
 History of the Law of Nations*.. 137
 Schwarzenberger, Georg, *A
 Manual of International Law*.. 361
 Smith, H. A., *The Crisis in the
 Law of Nations*..... 361
 INTERNATIONAL ORGANIZATION.
 Book notices.....164, 1036, 1248

Book reviews on: Cooper, John
 C., *The Right to Fly*..... 142
 Koo, Wellington Jr., *Voting
 Procedures in International Po-
 litical Organizations*..... 139
 McGuire, Paul, *Experiment in
 World Order*.....1230
 Murray, Gilbert, *From the
 League to United Nations*...1230
 See also UNITED NATIONS
 INTERNATIONAL RELATIONS. Fifield,
 Russell H., *The Introductory
 Course in International Rela-
 tions*.....1189
 The Postwar World Map.... 533
 Book notices...163, 166, 380, 381, 601
826, 829, 1034, 1249, 1254
 Book reviews on: Butler, Harold,
Peace or Power..... 804
 Feis, Herbert, *The Spanish
 Story*..... 791
 Graham, Malbone W., *Ameri-
 can Diplomacy in the Interna-
 tional Community*..... 803
 Hickman, C. A., et al., *World
 Economic Problems*..... 145
 Keeton, G. W., and Schwar-
 zenberger, G., *Year Book of
 World Affairs*..... 808
 McMurry, Ruth E., and Lee,
 Muna, *The Cultural Approach*. 141
 Rowse, A. L., *The End of an
 Epoch*..... 589
 Royal Institute, *Atomic Energy* 588
 See also EUROPE, FAR EAST,
 LATIN AMERICA, MIDDLE EAST
 INTERNATIONAL TRADE. Book no-
 tices.....373, 602, 1037
 Book reviews on: Buchanan, N.
 A., and Lutz, F. A., *Rebuilding
 the World Economy*..... 573
 IRELAND. Book notices..... 601
 Irish, Marian D. Book notices. 389, 1041
 Isaacs, Asher. Books noticed..... 602
 ITALY. Einaudi, Mario, *The Consti-
 tution of the Italian Republic*. 661
 Jackson, T. A. Books noticed.... 601
 Janzen, Henry. Book notices...171 386
 JAPAN. Colton, Kenneth E., *Pre-
 War Political Influences in*

- Post-war Conservative Parties 940
 Quigley, Harold (ed.), Post-War Politics in Japan: A Symposium..... 927
 Saffell, John, Japan's Post-War Socialist Party..... 957
 Wildes, Harry E., Under-ground Politics in Post-War Japan.....1149
 Williams, Justin, Party Politics in the New Japanese Diet....1163
 —, The Japanese Diet under the New Constitution..... 927
 Book notices.....1243
 Book reviews on: Busch, Noel F., *Fallen Sun*..... 797
 Jessup, Philip C. Books of reviewed.....1015
 Jobst, Valentine. Book reviews.... 137
 Johnson, Claudius O. Book notices.1024
 Jones, W. T. Books of, reviewed... 371
 Jordan, Henry P. Book reviews...1009
JURISPRUDENCE. Cushman, Robert E. (ed.), *Ten Years of the Supreme Court*..... 32
 Book notices.....1243
 Book reviews on: Fenn, Percy T., *The Development of the Constitution in the Case Law of the Supreme Court*..... 564
 Husson, Léon, *Les Transformations de la Responsabilité*..... 816
 McLean, Joseph E., *William Rufus Day*..... 118
 New York University Law School, *1946 Annual Survey of American Law*.....1001
 Orfield, Lester B., *Criminal Procedure from Arrest to Appeal*..... 569
 Seagle, William, *Man of Law*.. 369
 Stone, Julius, *The Province and Function of Law*.....1216
 Kallen, Horace M. Books noticed..1253
 Kallenbach, Joseph E. Book notices.....594, 1024
 Kann, Robert A. Book notices....1249
 Keeton, George W. Books noticed.1034
 Books of, reviewed..... 808
 Kelsen, Hans. Absolutism and Relativism in Philosophy and Politics..... 906
 Kelso, Paul. Book notices.....164, 820
 Kerwin, Jerome G. Book reviews... 563
 Books noticed.....1255
 Books of, reviewed..... 992
 Key, V. O., Jr. Books noticed.....1218
 Killingsworth, Charles C. Books of, reviewed.....1218
 Kimmel, Lewis. Books of, reviewed 783
 Kirk, Dudley. Books noticed..... 169
 Kirk, Grayson L. Book reviews...1018
 Books noticed..... 163
 Klingberg, Frank J. Books noticed. 386
 Knappen, Marshall. Books of, reviewed..... 360
 Kneier, Charles M. Book notices.. 832
 Knepper, David W. Book notices..1030, 1241
 Kohn, Hans. Book reviews..... 806
 Konvitz, Milton R. Books of, reviewed..... 117
 Koo, Wellington. Books of, reviewed..... 139
 Kriesberg, Martin. Book reviews.. 812
 Kruszewski, Charles. Book notices. 389
LABOR. Book notices.....162, 375, 387, 1042
 Book reviews on: Killingsworth, C. C., *State Labor Relations Acts*.....1218
 Laing, Lionel H. Book reviews.... 580
 Lancaster, Lane W. Book notices.. 156
 Larkin, John Day. Book notices...373, 602, 1026
 Larsen, Christian L. Book notices.. 824
 Laski, Harold J. Books of, reviewed.....1211
LATIN AMERICA. Grant, J. A. C., "Contract Clause" Litigation in Colombia.....1103
 Book notices.....166, 1033
 Book reviews on: Perkins, Dexter, *The U. S. and the Caribbean*..... 579
 Lauterbach, Albert. Books of, reviewed..... 984
 Lauterpacht, H. Books of, reviewed586, 810

- Lawson, Ruth C. Book notices.... 164, 1247
- Lee, Muna. Books of, reviewed.... 141
- Lefebvre, Georges. Books noticed.. 388
- Leiserson, Avery. Book reviews. 346, 984
- LEGISLATIVE PROCESS. Hardin, Charles M. Reflections on Agricultural Policy Formation in the U. S..... 881
- Riddick, Floyd M., First Session of the 80th Congress.... 677
- Williams, Justin, Party Politics in the New Japanese Diet.... 1163
- Book notices..... 598
- Book reviews on: Gosnell, H. F., *Democracy, Threshold of Freedom*..... 987
- Hemingford, Lord, *What Parliament Is and Does*..... 583
- Voorhis, Jerry, *Confessions of a Congressman*..... 356
- Lenczowski, George. Book notices. 829
- Book reviews..... 792
- Levy, Naphtaly. Books noticed... 172
- Lewin, Julius. Books noticed..... 599
- Lewis, Edward G. Book reviews... 589, 601, 825
- Lewis, John D. Book reviews.... 152
- Lien, Arnold J. Book notices..... 154
- Linebarger, Paul Myron Anthony. Book reviews..... 1236
- Books of, reviewed..... 812
- Lippincott, Benjamin E. Book reviews..... 151
- Lippmann, Walter. Books noticed.. 380
- Lipson, Leslie M. Book notices.... 382, 606
- LOCAL GOVERNMENT. Weidner, Edward W., Some Comparative Experience in Adjusting Local Units and Areas..... 730
- Book notices..... 379
- Book reviews on: Warren, J. H., *The English Local Government System*..... 1014
- Loeb, Isidor. Book reviews..... 116
- Loewenstein, Hubertus. Books of, reviewed..... 129
- Loewenstein, Karl. Book reviews.. 1006
- Lutz, Friedrich A. Books of, reviewed..... 573
- Lybyer, Albert Howe. Book reviews..... 364
- McCamy, James L. Book reviews.. 566, 985
- McClellan, Grant S. Book reviews. 808
- MacCorkle, Stuart A. Books noticed..... 593
- McCown, D. Beatrice. Book notices..... 167
- McGeary, M. Nelson. Book notices..... 375, 597
- Book reviews..... 1221
- McGuire, Paul. Books of, reviewed. 1231
- McGurrian, James. Books noticed.. 595
- McHenry, Dean. Book notices.... 377, 1022
- McIlwain, Charles Howard. Books noticed..... 609
- MacIver, Robert M. Books noticed 170
- Books of, reviewed..... 998
- McKelvey, Raymond C. Book notices..... 385
- McLean, Joseph E. Books of, reviewed..... 118
- McMurry, Ruth Emily. Books of, reviewed..... 141
- Macaulay, A. M. Books noticed... 606
- Macmahon, Arthur Whittier. Conflict, Consensus, Confirmed Trends, and Open Choices..... 1
- Memorial to Charles A. Beard.. 1208
- Madison, Charles A. Books of, reviewed..... 152
- Malone, Dumas. Books of, reviewed..... 1213
- MANAGEMENT. *See* PUBLIC ADMINISTRATION
- Mander, Linden A. Book notices.. 601
- Book reviews..... 357
- Manheim, Ralph. Books noticed.. 603
- Manner, George. Book notices. 599, 604
- Book reviews..... 363
- Markham, R. H. Books of, reviewed..... 135
- Martin, Charles E. Book notices... 374
- Martz, Helen E. Books noticed.. 823
- Marx, Fritz Morstein. Formulating the Federal Government's Economic Program.... 272

- Book reviews.....1238
 Books noticed..... 375
 Masland, John W. Book notices...1248
 Books noticed.....1030
 Mason, Alpheus T. Book reviews. 567
 Mason, John Brown. Book notices.....159, 598
 Mattison, Beatrice M. Book notices..... 829
 Maynard, John. Books of, reviewed..... 792
 Meriam, Lewis. Books of, reviewed.....1221
 Merriam, Charles E. Book reviews.....781, 1211
METHODOLOGY. Beard, Charles A.,
 Neglected Aspects of Political
 Science..... 211
 Boggs, S. Whittemore, Geo-
 graphic and Other Scientific
 Techniques for Political Sci-
 ence..... 223
 Connery, Robert H., A Lab-
 oratory Method for Teaching
 Public Administration.....1250
 Ebenstein, William, Toward
 International Collaboration in
 Political Science.....1181
 Fifield, Russell H., The In-
 troductory Course in Inter-
 national Relations.....1189
 Rossiter, Clinton L., Political
 Science and Political Indoc-
 trination..... 542
 Walker, Robert A., Citizen-
 ship Education and the Col-
 leges..... 74
 Book notices.....163, 1255
 Metzger, Laura. Books noticed...1037
 Micaud, Charles A. Book notices.1242
 Book reviews..... 789
MIDDLE EAST. Book notices..... 829
 See also ARABIA, PALESTINE
 Middleton, Lamar. Books noticed. 824
MILITARY GOVERNMENT. Wildes
 Harry E., Underground Poli-
 tics in Post-War Japan.....1149
 Book notices..... 381
 Book reviews on: Busch, Noel F.,
 Fallen Sun..... 797
 Friedmann, W., *The Allied*
 Military Government of Ger-
 many..... 800
 Knappen, Marshall, *And Call*
 It Peace..... 360
 Miller, George Frederick. Books
 noticed.....1241
 Millett, John D. Books of, re-
 viewed..... 346
 Millington, Herbert. Books noticed 830
 Mills, Lennox A. Book notices... 825
 Book reviews.....1019
MINORITIES. Strong, Donald S., *The*
 Rise of Negro Voting in Texas 510
 Weeks, O. Douglas, *The White*
 Primary, 1944-1948..... 500
 Book notices..... 158
 Book reviews on: MacIver,
 R. M., *The More Perfect Union* 998
 Mirkine-Guetzévitch, B. Books no-
 ticed.....1254
 Mitchell, Broadus. Books of, re-
 viewed..... 344
 Moon, Henry Lee. Books of, re-
 viewed.....1220
 Moore, Barrington, Jr. Book re-
 views..... 127
 Morais, Herbert M. Books noticed1042
 Morgenthau, Hans. Book reviews.
 791, 1222
 Moss, Warner. Book notices.....1254
 Mott, Rodney L. Book reviews...1216
MUNICIPAL GOVERNMENT. Zeller,
 Belle, and Bone, Hugh A., *The*
 Repeal of P.R. in New York
 City.....1127
 Book notices.....
 593, 599, 832, 1021, 1029, 1030
 Munro, William B. Book reviews. 582
 Murray, Gilbert. Books of, re-
 viewed.....1230
 Namier, L. B. Books noticed....1246
 Nelson, Margaret V. Books no-
 ticed.....1028
NETHERLANDS. Book notices..... 598
 Neumann, Robert G. *New Con-*
 stitutions in Germany..... 448
 Book notices.....1032
 Book reviews..... 129
 Nichols, Roy Franklin. Books no-
 ticed..... 594

- Nickerson, Hoffman. Books noticed..... 384
- Nixon, H. C. Book notices..... 596
- Norem, Ralph A. Book notices..... 606, 1037
- Nuquist, Andrew E. Book notices..... 592, 1250
- Nussbaum, Arthur. Books of, reviewed..... 137
- Oatman, Miriam E. Book reviews. 815
- Odegard, Peter H. Books of, reviewed..... 153
- Ogg, Frederic Austin. Book notices..... 1029
- Oneal, James. Books of, reviewed. 124
- Orfield, Lester B. Books of, reviewed..... 569
- Oppenheim, Felix. Book notices... 1255
- Book reviews..... 814
- Padelford, Norman J. Book reviews..... 810
- PALESTINE. Book reviews on:
Steiner, M. J., *Inside Pan-Arabia*..... 364
- Book notices..... 167
- Palm, Franklin Charles. Books noticed..... 605
- Palmer, Norman D. Book notices..... 155, 1034
- Book reviews..... 588
- Palmer, R. R. Books noticed..... 388
- Paton, G. W. Books noticed..... 1243
- Patterson, Caleb Perry. Book reviews..... 369, 1001
- Books of, reviewed..... 116
- Peardon, Thomas P. Book notices..... 169, 1244
- Pegg, C. H. Books noticed..... 389
- Pelcovits, Nathan. Books of, reviewed..... 366
- Pelletier, Lawrence. Book notices..... 607, 1038
- Penniman, Howard R. Books noticed..... 388, 1240
- Perkins, Dexter. Books of, reviewed..... 579
- Petrullo, Vincenzo. Books of, reviewed..... 1003
- Pfankuchen, Llewellyn. Book notices..... 383
- Pfiffner, John M. Book notices.... 1245
- PHILIPPINES. Book notices..... 592
- Pinchot, Gifford. Books noticed... 154
- PLANNING. Cooke, Morris L., *The Early Days of the Rural Electrification Idea*..... 431
- Hardin, Charles M., *Reflections on Agricultural Policy Formation in the U.S.*..... 881
- Marx, Fritz M. (ed.), *Formulating the Federal Government's Economic Program*.... 272
- Book notices..... 595, 608, 832
- Book reviews on: Bachman, G., and Meriam, L., *The Issue of Compulsory Health Insurance*. 1221
- Griswold, A. W., *Farming and Democracy*..... 993
- Heinig, Kurt, *Das Budget*... 1238
- Lauterbach, Albert, *Economic Security and Individual Freedom*..... 984
- Millett, John D., *The Process and Organization of Government Planning*..... 346
- Mitchell, Broadus, *Depression Decade*..... 344
- Rosenfarb, Joseph, *Freedom and the Administrative State*.. 985
- Rostow, Eugene V., *A National Policy for the Oil Industry*.... 577
- Stocking, G. W., and Watkins, M. W., *Cartels or Competition?* 1237
- WPB Historian and Staff, *Industrial Mobilization for War* 572
- POLITICAL BIOGRAPHY. Book notices.... 595, 1026, 1034, 1041, 1042
- Book reviews on: Byrnes, James, *Speaking Frankly*..... 349
- Hull, Cordell, *Memoirs*..... 995
- McLean, Joseph E., *William Rufus Day*..... 118
- Malone, Dumas *Jefferson the Virginian*..... 1213
- Roosevelt, F. D., *Personal Letters*..... 355
- Voorhis, Jerry, *Confessions of a Congressman*..... 356
- POLITICAL PARTIES. Fainsod, Merle, *Consolidating Party Control*.. 316

- Macmahon, Arthur W., Conflict, Consensus, Confirmed Trends and Open Choices.... 1
- Silva, Ruth C., State Law on the Nomination, Election and Instruction of Presidential Electors..... 523
- Strong, Donald S., The Rise of Negro Voting in Texas..... 510
- Weeks, O. Douglas, The White Primary, 1944-1948..... 500
- Wildes, Harry E., Underground Politics in Postwar Japan..... 1149
- Williams, Justin, Party Politics in the New Japanese Diet.... 1163
- Zeller, Belle, and Bone, Hugh A., The Repeal of P.R. in New York City..... 1127
- Book notices.....
..... 153, 158, 372, 377, 595, 1022,
1024, 1025, 1027, 1030, 1240, 1241
- Book reviews on: Fischer, Ruth, *Stalin and German Communism* 1226
- Gosnell, H. F., *Democracy, the Threshold of Freedom*..... 987
- Hofstadter, Richard, *The American Political Tradition*.. 1214
- Moon, Henry L., *Balance of Power: the Negro Vote*..... 1220
- Oneal, James, and Werner, G. A., *American Communism*. 124
- POLITICAL THEORY. Beard, Charles Austin, Neglected Aspects of Political Science..... 211
- Cole, K. C., The Theory of the State as a Sovereign Juristic Person..... 16
- Kelsen, Hans, Absolutism and Relativism in Philosophy and Politics..... 906
- Macmahon, A. W., Conflict, Consensus, Confirmed Trends, and Open Choices..... 1
- Book notices..... 169,
170, 171, 172, 384, 388, 597, 607,
609, 610, 831, 1251, 1252, 1253, 1256
- Book reviews on: Adams, M. Ray, *Studies in the Literary Backgrounds of English Radicalism*..... 150
- Dodge, Guy H., *The Political Theory of the Huguenots*..... 147
- Freidel, Frank, *Francis Lieber*. 781
- Heimann, Edward, *Freedom and Order*..... 151
- Jones, W. T., *Masters of Political Thought*..... 371
- Laski, H. E., *The American Democracy*..... 1211
- MacIver, R. M., *The More Perfect Union*..... 998
- Madison, Charles A., *Critics and Crusaders*..... 152
- Malone, Dumas, *Jefferson and His Time*..... 1213
- Rossiter, Clinton, *Constitutional Dictatorship*..... 1006
- Toynbee, A. J., *Civilization on Trial*..... 814
- Waldo, Dwight, *The Administrative State*..... 782
- Pollock, James Kerr. Book reviews. 800
- Books noticed..... 159
- Porter, Albert Ogden. Books noticed..... 379
- Post, C. Gordon. Book notices.... 1030
- Powell, Alden L. Book notices.... 1028
- PRESIDENCY. Brown, Everett S., The Tenure of Cabinet Officers 529
- Nourse, E. G., and Gross, B. W., The Role of the Council of Economic Advisers..... 282
- Silva, Ruth C., State Law on the Nomination, Election, and Instruction of Presidential Electors..... 523
- Book notices..... 375, 595, 1023
- Book reviews on: Beard, Charles A., *President Roosevelt and the Coming of the War, 1941*..... 801
- Patterson, C. Perry, *Presidential Government in the U.S.* 116
- PRESSURE GROUPS. See POLITICAL PARTIES, PUBLIC OPINION
- Preuss, Lawrence. Book reviews.. 1015
- Price, Hoyt. Books of, reviewed... 1009
- Priestly, F. E. L. Books noticed... 171
- Prince, Charles. Book reviews.... 794
- Pritchett, C. Herman. Book reviews..... 344
- PROPAGANDA. Book notices..... 1250

- Book reviews on: Doob, L. W., *Public Opinion and Propaganda*..... 989
 Linebarger, Paul M. A., *Psychological Warfare*..... 812
 PSYCHOLOGY. Book notices..... 172
 PUBLIC ADMINISTRATION. Abbott, Roger S., *The Federal Loyalty Program*..... 486
 Brown, Everett S., *The Tenure of Cabinet Officers*..... 529
 Connery, R. H., *A Laboratory Method for Teaching Public Administration*..... 68
 Stone, Donald C., *The Application of Scientific Management Principles to International Administration*..... 915
 Book notices..... 156, 161, 374, 375, 376, 597, 608, 822, 1031, 1039
 Book reviews on: Childs, J. Rives, *American Foreign Service*..... 566
 De Schweinitz, Karl, *People and Process in Social Security*. 571
 Heinig, Kurt, *Das Budget*... 1238
 Kerwin, J. G. (ed), *Civil-Military Relationships*..... 992
 Millett, John D., *The Process and Organization of Government Planning*..... 346
 Redford, E. S., *Field Administration of Wartime Rationing* 121
 Stedman, Murray, *Exporting Arms*..... 576
 Waldo, Dwight, *The Administrative State*..... 782
 Warner, Richard, *The Principles of Public Administration* 988
 Warren, George (ed.), *The Federal Administrative Procedure Act and the Administrative Agencies*..... 120
 WPB Historian and Staff, *Industrial Mobilization for War*.. 572
 PUBLIC FINANCE. Book notices..... 386, 590, 591, 597, 1033
 Book reviews on: Harris, Seymour, *The National Debt and the New Economics*..... 345
 Heinig, Kurt, *Das Budget*.... 1238
 Kimmel, Lewis, *Governmental Costs and the Tax Level*..... 783
 PUBLIC OPINION. Long, Norton, *Popular Support of Economic Programs*..... 326
 Zeller, Belle, *The Federal Regulation of Lobbying Act*.. 239
 Book notices..... 375, 820, 1026, 1038, 1039, 1246
 Book reviews on: Bailey, Thomas A., *The Man in the Street*.... 1018
 Doob, L. W., *Public Opinion and Propaganda*..... 989
 Gerald, J. F., *The Press and the Constitution*..... 999
 Hocking, W. E., *Freedom of the Press*..... 352
 Pelcovits, Nathan A., *Old China Hands*..... 366
 PUBLIC UTILITIES. Book reviews on: Trachsel, H. H., *Public Utility Regulation*..... 353
 PUERTO RICO. Book reviews on: Petruccio, V., *Puerto Rican Paradox*..... 1003
 Quattlebaum, Charles A. Books noticed..... 821
 Quigley, Harold S. Post-war Politics in Japan: A Symposium.. 927
 Book reviews..... 584
 Randolph, Bessie C. Book reviews. 141
 Rankin, Rebecca. Books noticed.. 1021
 Rankin, Robert S. Book reviews.. 142
 Ratchford, B. U. Books noticed... 381
 Ratner, Sidney. Book notices..... 1039
 Book reviews..... 573
 Rappard, William E. Books of, reviewed..... 1222
 Ray, Joseph M. Book notices..... 379, 1239
 Redford, Emmett S. Books of, reviewed..... 121
 REFUGEES. Book notices..... 831
 REGIONALISM. Book notices..... 157, 378, 1041
 Book reviews on: Dickinson, Robert E., *City, Region and Regionalism*..... 785
 Simkins, Francis B., *The*

- South, Old and New*.....1004
 Reiff, Henry. Book reviews..... 576
 RELIGION. Book notices.... 386, 388, 610
 Riddick, Floyd M. First Session of
 the 80th Congress..... 677
 Books noticed..... 598
 Riesenfeld, S. A. Book reviews.... 586
 Robbins, Lionel. Books noticed... 608
 Robinson, Howard. Books noticed.1031
 Robinson, Jacob. Books noticed... 167
 Robinson, J. William. Book notices
603, 1037
 Rodee, Carlton C. Book reviews.. 146
 Rodgers, Cleveland. Books noticed1021
 Ronan, William J. Book notices..
169, 831
 ROOSEVELT, FRANKLIN DELANO.
 Book reviews on: Beard,
 Charles A., *President Roosevelt
 and the Coming of the War*.... 801
 Roosevelt, E. (ed.), *F. D. R.,
 His Personal Letters*..... 355
 Röpke, Wilhelm. Books of, re-
 viewed..... 133
 Rose, K. Peterson. Books noticed.1241
 Rosenfarb, Joseph. Books of, re-
 viewed..... 985
 Ross, Malcolm. Books noticed.... 831
 Ross, William D. Books noticed... 381
 Rossiter, Clinton L. Political Sci-
 ence 1 and Political Indoctrina-
 tion..... 542
 Books of, reviewed.....1006
 Rostow, Eugene V. Books of, re-
 viewed..... 577
 Rothfels, Hans. Books noticed... 1032
 Roucek, Joseph H. Books noticed.. 827
 Rowland, Dunbar. Book reviews..1003
 Rowse, A. L. Books of, reviewed.. 589
 RUSSIA. Book notices..... 171
See also COMMUNISM, U.S.S.R.
 Sait, Edward M. Books noticed...1240
 Schattschneider, E. E. Books no-
 ticed.....1025
 Schorske, Carl E. Books of, re-
 viewed.....1009
 Schwarzenberger, Georg. Books no-
 ticed.....1034
 Books of, reviewed..... 361, 808
 Seagle, William. Books of, reviewed 369
 Shannon, Jasper Berry. Book re-
 views.....124, 1004
 Sherif, Muzafer. Books noticed... 172
 Sherwood, Foster H. State Consti-
 tutional Law in 1947-48..... 694
 Book reviews.....375, 597
 Shull, Charles W. Book notices....
375, 597
 Shumate, Roger V. Book notices.. 157
 Sibley, Elbridge. Books noticed...1256
 Sibley, Mulford Q. Book notices..
1253, 1256
 Silva, Ruth C. State Law on the
 Nomination, Election, and
 Instruction of Presidential
 Electors..... 523
 Silverstein, Nathan L. Book no-
 tices.....386, 1035
 Simkins, Francis Butler. Books of,
 reviewed.....1004
 Smith, George H. E. Books noticed. 598
 Smith, H. A. Books of, reviewed.. 361
 Smith, Merriman. Books noticed..1023
 Smith, Sara R. Books of, reviewed.1233
 Snider, Clyde F. Book notices.... 823
 Snyder, Richard C. Books noticed. 828
 SOCIAL WELFARE. Book notices....
821, 823, 1241
 Book reviews on: Bachman,
 George W., and Meriam,
 Lewis, *The Issue of Compulsory
 Health Insurance*.....1221
 De Schweinitz, Karl, *People
 and Process in Social Security*. 571
 Sollman, William F. Book notices. 600
 Soward, F. H. Books noticed.... 606
 Spahr, Margaret. Book notices.384, 388
 SPAIN. Book reviews on: Feis,
 Herbert, *The Spanish Story*... 791
 STATE GOVERNMENT. Sherwood,
 Foster, *State Constitutional
 Law in 1947-48*..... 694
 Book notices.....
156, 159, 378, 824, 1028, 1240
 Book reviews on: Killingsworth,
 C. C., *State Labor Relations
 Acts*.....1218
 Stedman, Murray. Books of, re-
 viewed..... 576
 Steffens, Lincoln. Books noticed...1030
 Steiger, G. Nye. Book reviews....1233

- Steiner, M. J. Books of, reviewed... 364
 Sternberg, Fritz. Books noticed... 603
 Stocking, George W. Books of, reviewed.....1237
 Stokes, William S. Book notices...
 161, 610, 1033
 Stolper, Gustav. Books of, reviewed..... 806
 Stone, Donald C. The Application of Scientific Management Principles to International Administration..... 915
 Stone, Ivan M. Book notices.....1246
 Stone, Julius. Books of, reviewed..1216
 Strong, Donald S. The Rise of Negro Voting in Texas..... 510
 Book reviews.....1220
 Swisher, Carl Brent. Book reviews. 998
 SWITZERLAND. Book reviews on:
 Rappard, W. E., *La Constitution Fédérale de la Suisse, 1848-1948*.....1222
 Sydnor, Charles S. Books noticed..1041
 Sylvester, Harold F. Book notices. 828

- TAXATION. Book reviews on: Kimmel, Lewis, *Governmental Costs and the Tax Level*..... 783
 Book notices..... 590
 Taylor, Philip H. Book reviews...1234
 Terral, Rufus. Books noticed.... 157
 Theimer, Walter. Books noticed... 389
 Thompson, Virginia. Books noticed 825
 Tomlinson, Edward. Books noticed..... 166
 Toynbee, Arnold J. Books of, reviewed..... 814
 Trachsel, Herman H. Books of, reviewed..... 353
 Trevor-Roper, H. R. Books of, reviewed..... 130

- UNITED NATIONS. Ebenstein, William, *Toward International Collaboration in Political Science*.1181
 Stone, Donald C., *The Application of Scientific Management Principles to International Administration*..... 915
 Book notices.....
 ..167, 383, 604, 605, 831, 1035, 1254

- Book reviews on: Jessup, Philip C., *A Modern Law of Nations*.1015
 UNITED STATES, FOREIGN POLICY.
 Vincent, John Carter, *America's Future in the Pacific*..... 143
 Book notices155, 167, 168, 376, 380, 592, 606, 607, 828, 830, 1037, 1250
 Book reviews on: Beard, Charles A., *President Roosevelt and the Coming of the War, 1941*..... 801
 Buchanan, N. S., and Lutz, F. A., *Rebuilding the World Economy*..... 573
 Byrnes, James, *Speaking Frankly*..... 349
 Dean, Vera M., *The U.S. and Russia*..... 127
 Fairbank, John K., *The U. S. and China*.....1234
 Finer, Herman, *America's Destiny*..... 562
 Franklin, W. McH., *Protection of Foreign Interests*..... 122
 Graham, M. W., *American Diplomacy in the International Community*..... 803
 Perkins, Dexter, *The U. S. and the Caribbean*..... 579
 Wilcox, W. B., and Hall, R. B. (eds.), *The U. S. in the Post-war World*..... 351

- UNITED STATES, GOVERNMENT AND POLITICS. Cushman, R. E., *Constitutional Law in 1946-47* 469
 Macmahon, Arthur W., *Conflict, Consensus, Confirmed Trends, and Open Choices*... 1
 Silva, Ruth C., *State Law on the Nomination, Election and Instruction of Presidential Electors*..... 523
 Book notices.....154, 157, 377, 389, 591, 594, 597, 1024, 1028
 Book reviews on: Carr, R. K., *Federal Protection of Civil Rights*..... 567
 Hofstadter, Richard, *The American Political Tradition*..1214
 Kerwin, J. G. (ed.), *Civil-Military Relationships*..... 992
 Laski, H. E., *The American*

- Democracy*.....1211
 MacIver, R. M., *The More Perfect Union*..... 998
 Moon, Henry L., *Balance of Power: The Negro Vote*.....1220
 Simkins, Francis B., *The South, Old and New*.....1004
 UNITED STATES, HISTORY. Book notices.....158, 378, 594, 1026
 Book reviews on: Van Doren, Carl, *The Great Rehearsal*..... 563
 UNITED STATES, NATIONAL GOVERNMENT. Abbott, Roger S., *The Federal Loyalty Program*.... 486
 Brown, Everett S., *The Tenure of Cabinet Officers*..... 529
 Cooke, Morris L., *The Early Days of the Rural Electrification Idea*..... 431
 Marx, Fritz M. (ed.), *Formulating the Federal Government's Economic Program*... 272
 Zeller, Belle *The Federal Regulation of Lobbying Act*..... 239
 Book notices. .374, 375, 595, 824, 1023
 Book reviews on: Hull, Cordell, *Memoirs*..... 995
 Patterson, C. Perry, *Presidential Government in the U. S.* 116
 Rostow, E. V., *A National Policy for the Oil Industry*..... 577
 Warren, George (ed.), *The Federal Administrative Procedure Act*..... 120
 U.S.S.R. Book notices..... 384
 Book reviews on: Dean, Vera M., *The U. S. and Russia*..... 127
 Fischer, John, *Why They Behave Like Russians*..... 126
 Fischer, Ruth, *Stalin and German Communism*.....1226
 Maynard, John, *Russia in Flux* 792
 Voznesensky, N., *Voyennaya Ekonomika SSSR*..... 794
 Unkelbach, Helmut. Books of, reviewed.....1224
 Van Alstyne, Richard W. Books noticed..... 155
 Vandenbosch, Amry. Book reviews 143
 Books noticed..... 598
 Van der Zee, Jacob. Book reviews. 804
 Van Doren, Carl. Books of, reviewed..... 563
 Van Dyke, Vernon. Book notices.. 380
 Van Riper, Paul P. Book notices. . .591, 823, 1240
 Verosta, Stephan. Books noticed..1249
 Vieg, John A. Book notices..... 593
 Villard, Oswald Garrison. Books noticed..... 373
 Vinacke, Harold M. Book reviews. 366
 Vincent, John Carter. Books of, reviewed..... 143
 Von Muralt, Leonard. Books noticed.....1247
 Voorhis, Jerry. Books of, reviewed. 356
 VOTING. Strong, Donald S., *The Rise of Negro Voting in Texas* 510
 Weeks, O. Douglas, *The White Primary, 1944-1948*... 500
 Zeller, Belle and Bone, Hugh A., *The Repeal of P.R. in New York City*.....1127
 Book notices.....1022, 1027, 1241
 Book reviews on: Gosnell, H. F., *Democracy, The Threshold of Freedom*..... 987
 Koo, Wellington, Jr., *Voting Procedures in International Political Organizations*..... 139
 Voznesensky, N. Books of, reviewed..... 794
 Vucinich, Wayne. Book reviews. . .135, 1227
 Wager, Paul W. Books noticed.... 159
 Wakefield, Harold. Books noticed.1243
 Waldegrave, A. J. Books noticed..1245
 Waldo, Dwight. Books of, reviewed 782
 Walker, Harvey. *Forty-third Annual Meeting of the A.P.S.A.* 91
 Walker, Robert A. *Citizenship Education and the Colleges*.. 74
 Wallace, Elisabeth. Books noticed. 825
 WAR. Book notices..... 376, 608, 828, 1028, 1037, 1249, 1250
 Book reviews on: Baldwin, Hanson W., *The Price of Power*....1229
 Beard, Charles A., *President Roosevelt and the Coming of the War*..... 801

- Gordon, D. L., and Dangerfield, R. L., *The Hidden Weapon*..... 807
- Kerwin, J. G. (ed.), *Civil-Military Relationships*..... 992
- Linebarger, Paul M. A., *Psychological Warfare*..... 812
- Redford, E. S., *Field Administration of Wartime Rationing*. 121
- Stedman, Murray, *Exporting Arms*..... 576
- Trevor-Roper, H. R., *The Last Days of Hitler*..... 130
- WPB Historian and Staff, *Industrial Mobilization for War*. 572
- Warburg, James P. Books of, reviewed..... 133
- Warner, Richard. Books of, reviewed..... 988
- Warren, George. Books of, reviewed..... 120
- Warren, J. H. Books of, reviewed.. 1014
- Warriner, Doreen. Books noticed.. 829
- Watkins, James T. IV. Book reviews..... 1229, 1230
- Watkins, Myron W. Books of, reviewed..... 1237
- Weber, Elizabeth A. Book notices. 831
- Wecter, Dixon. Books noticed.... 1024
- Weeks, O. Douglass. *The White Primary, 1944-1948*..... 500
- Weidner, Edward W. Some Comparative Experience in Adjusting Local Units and Areas.... 730
- Book notices..... 156, 821
- Weimer, Arthur M. Books noticed. 1040
- Wells, Roger H. Book reviews. 133, 360
- Wengert, Norman. Book reviews... 988
- Werner, G. A. Books of, reviewed.. 124
- Wheare, K. C. Books noticed..... 1244
- White, Wilbur W. Books noticed.. 168
- Whitton, John B. Book reviews... 562
- Wickwar, W. Hardy. Book notices. 599
- Wilcox, William B. Books of, reviewed..... 351
- Wildes, Harry Emerson. Under-ground Politics in Post-war Japan..... 1149
- Williams, John H. Books noticed.. 597
- Williams, Justin. Party Politics in the New Japanese Diet..... 1163
- Williams, Robin M. Books noticed. 385
- Wilson, Norman. Books noticed... 599
- Wilson, Robert R. Book notices... 828
- Book reviews..... 361
- Wright, David McCord. Books of, reviewed..... 815
- Wright, Gordon. Books of, reviewed..... 789
- Wunderlich, Frieda. Books noticed..... 162
- Young, Clyde. Books noticed..... 824
- Young, William H. Book notices.. 1022, 1030
- YUGOSLAVIA. Book reviews on: Markham, R. H., *Tito's Imperial Communism*..... 135
- Zeller, Belle. *The Federal Regulation of Lobbying Act*..... 239
- The Repeal of P.R. in New York City*..... 1127
- Book notices..... 1027
- Ziegler, Benjamin M. Book reviews..... 803
- Zink, Harold. Book notices.... 381, 824
- ZIONISM. *See* PALESTINE



New revised editions
of two leading textbooks

GOVERNMENT of CITIES in the UNITED STATES

By Harold Zink

In the revised edition of this text which offers the student a clear picture of the structure and problems of city government, all the material has been brought up to date with recent events in city government. Such matters as population changes, the possible effect of the atom bomb on the future of cities, the move toward industrial decentralization, the great increase of interest in the council-manager form, the crying need for new sources of municipal revenue, the ever-present traffic problem, and developments in city planning come in for attention. *Published November 30, 1948. \$5.00*

HAROLD ZINK is Professor of Political Science at Ohio State University.

THE AMERICAN PARTY SYSTEM

Fourth Edition

By Merriam and Gosnell

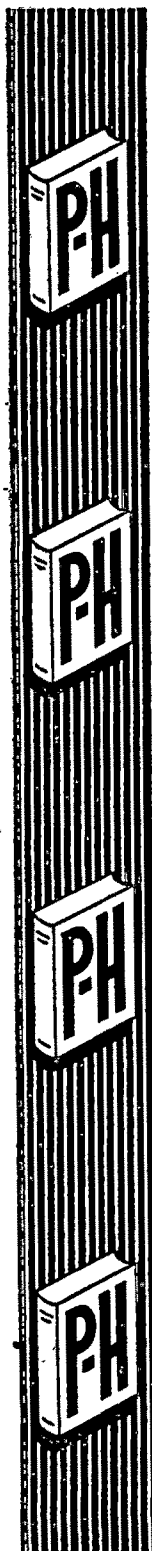
Thoroughly revised and completely reset, this book emphasizes the fundamental characteristics of the American party system. Two entirely new chapters have been added; one dealing with suffrage in relation to minority groups, participation in voting and party affairs, running for elective office, and sharing the benefits of governmental action; the second dealing with the various methods used to survey public opinion, and the relation of public opinion studies to democratic party processes. *To be published in January. \$5.00 (probable)*

CHARLES E. MERRIAM is Professor Emeritus of Political Science, University of Chicago; HAROLD F. GOSNELL is a Lecturer at American University.

THE MACMILLAN COMPANY

60 Fifth Avenue

New York 11



Coming in January

FOREIGN GOVERNMENTS

Edited by *Fritz Morstein Marx*

• Eight leading political scientists, each an experienced analyst of a significant area of the world, examine the novel political situation in the major countries arising out of World War II and its aftermath. They show the contemporary political forces at work to align the peoples of the earth in opposing camps; weigh prospects for the future.

• Carefully planned, and edited to read as though by one author, the text explores the broad continuity of developments—emphasizes both structural and political processes—stresses the magnitude of postwar changes—shows the impact of problems of sovereignty and national security—and presents a picture of the wider context of man's political behavior and governmental action. The introductory and concluding parts of the book specifically trace this history and synthesize a discussion which embraces constitutional and federal systems, reconstruction governments, the Soviet state, and Latin-American trends. It follows:

FRITZ MORSTEIN MARX (<i>American University</i>)	IDEAS AND IDEALS
HARDY WICKWAR (<i>Hamilton College</i>)	GREAT BRITAIN AND DOMINIONS
MARIO EINAUDI (<i>Cornell Univ.</i>)	FRANCE AND ITALY
JOHN BROWN MASON (<i>Oberlin College</i>)	SCANDINAVIA AND CENTRAL EUROPE
JOHN N. HAZARD (<i>Columbia University</i>)	SOVIET UNION
ANDREW GYORGY (<i>Yale Univ.</i>)	SOVIET SATELLITES
PAUL M. A. LINEBARGER (<i>School of Advanced International Studies</i>)	CHINA AND JAPAN
HENRY P. JORDAN (<i>New York University</i>)	MEXICO AND BRAZIL
FRITZ MORSTEIN MARX	SOVEREIGNTY

Reserve your copy today

PRENTICE-HALL, INC., 70 FIFTH AVENUE
NEW YORK 11, N. Y.

Revised Edition

CHARTER OF THE UNITED NATIONS COMMENTARY AND DOCUMENTS

by

Leland M. Goodrich and Edvard Hambro

Reviews of the first edition stated:

American Political Science Review—"If a scholar can purchase only one book on the United Nations Charter, this is it."

American Foreign Service Journal—"The World Peace Foundation has issued another objective, highly erudite and educational volume on today's No. 1 international experiment."

American Journal of International Law—"Messrs. Goodrich and Hambro have performed an extremely useful service which will be of great value to college students and intelligent laymen."

In addition to the material which made the first volume quoted in the Security Council as "the most authoritative interpretation in existence," *the revised edition* traces the development of the Charter from Dumbarton Oaks through July, 1948.

This enlarged and comprehensive survey is required for every serious student of international relations.

736 pages

Price \$4.75

Publication date—January 15, 1949

At your bookstore or

WORLD PEACE FOUNDATION

40 Mt. Vernon St.

Boston, Mass.

NOW AVAILABLE

Volume VIII of
DOCUMENTS
ON AMERICAN
FOREIGN
RELATIONS

Edited by RAYMOND DENNETT & ROBERT K. TURNER

THIS eighth volume in the series of documents on American foreign relations compiled by the World Peace Foundation covers the period from July 1, 1945, to December 31, 1946. These eventful eighteen months include the first military use of atomic energy; participation of the United States in a number of new international organizations; the occupation of the countries defeated in World War II; the conflict of American and Soviet policies in Eastern Europe and the Far East.

AMERICAN HISTORICAL REVIEW: "The great usefulness of this annual series has been recognized since the publication of the first volume."

\$6.00 at your bookstore

Published for WORLD PEACE FOUNDATION
by PRINCETON UNIVERSITY PRESS

Princeton, N.J.



Three Pertinent Texts in Comparative Government

FOR JANUARY PUBLICATION

CONTEMPORARY FOREIGN GOVERNMENTS

by Associates in Government

Department of Social Sciences, USMA

A thorough revision of a popular text, adopted in the original by 286 colleges and universities. Published in 1946 under the authorship of Colonel Herman Beukema and his associates in government of the United States Military Academy, the text deals with the governmental philosophies of six major powers: France, England, Germany, Russia, Italy, and Japan. The revision brings the text up to date, through Autumn 1948, and includes a penetrating analysis of the current problems concerned with military government and world security.

Probably 416 pages, \$4.00

GOVERNMENTS OF DANUBIAN EUROPE

by Andrew Gyorgy, Yale University

A brilliant text on the post-war development (1945-1948) of five nations behind the "iron curtain." Taking a brief look at the historical background of these countries, Professor Gyorgy delves into a thorough study of postwar reconstruction, the peace treaties, and the current, political and social conditions in Czechoslovakia, Hungary, Rumania, Yugoslavia, and Bulgaria.

Probably 384 pages, \$4.00

• AND RECENTLY PUBLISHED

AMERICAN EXPERIENCES IN MILITARY GOVERNMENT IN WORLD WAR II

by Carl J. Friedrich and Associates

Observations by more than a dozen qualified men on the policies and operations of American military government, edited by Professor Friedrich of Harvard, who has been serving as governmental adviser to General Lucius Clay in Germany. Specific attention is given to experiences in Austria, Germany, France, Italy, and in the Pacific. The text is an outstanding contribution to an understanding of the present crisis.

436 pages, \$3.50

 **Rinehart & Company, Inc.**
232 MADISON AVENUE • NEW YORK 16, N. Y.

Announcing →

A collection of important documents, both public and national, of our government. Some are basic, others are illustrative. With explanatory introductions throughout by the author—

CLINTON L. ROSSITER
Cornell University

Will help students acquire the habit of independent inquiry into undiluted sources of information.

Will greatly enhance the effectiveness of American Government courses.

WILLIAM SLOANE ASSOCIATES
119 W. 57th St., New York 19

DOCUMENTS IN AMERICAN GOVERNMENT

READY NOW

352 Pages

Price: \$2.50

WORLD POLITICS

A Quarterly Journal of International Relations

Volume I, Number 2 January 1949

Edward S. Mason American Security and Access to Raw Materials
Percy E. Corbett The Aleksandrov Story
Arnold Wolfers Ethics and Power Politics
Eric Fischer On Boundaries
Shannon McCune The Thirty-Eighth Parallel in Korea

REVIEW ARTICLES by

Klaus Knorr, Jacob J. Kaplan, and Quincy Wright

RESEARCH NOTES by

Clyde Kluckhohn and C. Easton Rothwell

Price \$5.00 per year \$1.50 per copy

WORLD POLITICS, 202 Hall of Graduate Studies, Yale University
New Haven, Connecticut

THE AMERICAN POLITICAL SCIENCE ASSOCIATION

**Announces the Publication of a Second and Enlarged Edition of the
*Directory of the American Political Science Association***

Edited by Franklin L. Burdette, University of Maryland

The *Directory* contains over 4000 biographical sketches indicating education, academic experience, research activities, publications, and civic and governmental service of the various members of the Association; a list of members and subscribers according to geographical location; and a list of members classified according to their primary fields of competence in political science and the social sciences.

The second edition also contains statistical information regarding the education, training, appointment, promotion and productivity of political scientists.

This *Directory* will be of service to appointing officers of educational institutions, research agencies, administrative bureaus, and government offices.

Orders should be addressed to the American Political Science Association, 100 University Hall, Ohio State University, Columbus, Ohio.

PRICES

To members of the Association and subscribers to the *American Political Science Review*: Cloth bound, \$3.00; paper bound, \$2.00.

To non-members: Cloth bound, \$4.00; paper bound, \$3.00.

The Association will prepay postage on copies ordered with accompanying remittance. On other orders, mailing cost will be added to the price.

THE WESTERN POLITICAL QUARTERLY

A PROFESSIONAL JOURNAL OF DISTINCTION IN POLITICAL
SCIENCE AND RELATED SUBJECTS

Some of the past contributors are:

● **INTERNATIONAL LAW AND RELATIONS**
Hans Kelsen....Withdrawal from the United Nations.

Josef L. Kunz...The Free Territory of Trieste.
Alfred Verdross-Drossberg...Void and Criminal Acts of State.

● **POLITICAL THEORY**

Thomas I. Cook....The Functions of Modern Government.

Thomas B. Jenkin.....The American Fabian Movement.

Francis G. Wilson...The Contemporary Right.

● **GOVERNMENT AND PUBLIC LAW**

Carl J. Friedrich...Representation and Constitutional Reform in Europe.

Howard M. Smyth...Italy: From Fascism to the Republic (1943-1946).

Vincent M. Barnett, Jr....Mr. Justice Jackson and the Supreme Court.

R. G. Tugwell...The Preparation of a President.

Francis D. Wormuth....The Hatch Act Cases.

D. E. McHenry....Reflections on Un-American Committees.

George E. Outland.....Congress Still Needs Reorganization.

Charles Fairman.....The Estate of Political Science.

Peter H. Odegard.....A Moratorium of Vituperation.

Chester C. Maxey...A Plea for the Politician.

ANNUAL SUBSCRIPTION FOUR DOLLARS

The Western Political Quarterly

F. B. Schick, Managing Editor

University of Utah, Salt Lake City, Utah, U.S.A.

BOOKS OF LASTING HISTORICAL INTEREST

Political Power in the U.S.S.R.¹⁹¹⁷⁻¹⁹⁴⁷

By JULIAN TOWSTER

"This book belongs to the small group of scholarly works on the Soviet Union which combine a high degree of erudition with uncompromising objectivity."—D. Fedotoff White, *Saturday Review*.

"It is safe to say that not for a long time will a single volume contain so much material with which to document study of the Government of the U.S.S.R."—John N. Hazard, *New York Times*

"He has succeeded brilliantly in giving us a rich account, panoramic in scope and almost encyclopedic in content."—Frederick L. Schuman, *Chicago Sun-Times* \$6.00

New Paths for Japan

By HAROLD WAKEFIELD. Introduction by Sir Paul Butler, K.C.M.G. In the light of events since the Japanese surrender, Mr. Wakefield has revised and amended the material contained in the Chatham House Study Group Report *Japan in Defeat*. He has also included a brilliant analysis of the American occupation and its effect on Japanese political, economic and social life. \$3.75

The Evolution of American Foreign Policy

By DEXTER PERKINS. This penetrating analysis of the changes in our national foreign policy from the birth of our nation to the enunciation of the Truman Doctrine "deserves the palm for brevity and clarity, maintains an admirable sense of perspective. . . . A brilliant outline that can be quickly read and easily digested."—*Christian Science Monitor*. *A Home University Library Book*. \$2.00

OXFORD UNIVERSITY PRESS • 114 FIFTH AVE., N.Y. 11

